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14th Kartika, 1942 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 5th November, 2020.

No.LB.125/LA/2020/2. - The Meghalaya Settlement of Arrears (Under the State Taxation Acts) Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 5th November, 2020 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA SETTLEMENT OF ARREARS
(UNDER THE STATE TAXATION ACTS) BILL, 2020**

A

Bill

to provide for securing the interest of Revenue Collection by the Government of Meghalaya, and to reduce the arrears arising out of the enactments administered by the Commercial Taxes Department and matters incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-first year of the Republic of India as follows:-

**Short title, extent
and commencement**

1. (1) This Act may be called The Meghalaya Settlement of Arrears (under State Taxation Acts) Act, 2020.
(2) It extends to the whole of the State of Meghalaya.
(3) It shall come into force on such date as the State Government may, by notification in the official Gazette appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires, —
 - (a) “**Annexure**” means the Annexure appended to this Act;
 - (b) “**Appellate Authority**” means the authorities competent to hear appeals against orders passed under the provisions as existed before the subsumation of the enactments under the Meghalaya Goods and Services Tax Act, Act or as existing under the enactments kept out of the Meghalaya Goods and Services Tax Act, Act and includes the Assistant Commissioner of Taxes (Appeals) or any officer not below the rank of Commissioner of Taxes, Assistant Commissioner of Taxes, the Appellate Tribunal and all authorities specified in sub-section (4) of Section 6 of this Act;
 - (c) “**Applicant**” means a tax defaulter or a tax non-payer or short payer who is liable to pay arrears of Tax, interest, surcharge and penalty, levied or imposed under the relevant State Taxation Acts and who desires to avail the benefit of settlement, by complying with the conditions, under this Act;
 - (d) “**Arrears**” means the composite amount of tax, interest, surcharge, penalty as the case may be, —
 - (i) payable by an assessee as per any statutory order under the relevant State Taxation Act as on the cut-off date which is the 31st March 2020; or (ii) admitted in the return or, as the case may be, the revised return filed under the relevant State Taxation Acts and which has not been paid either wholly or partly; or (iii) determined and recommended to be payable by the auditor, in the audit report under the relevant State Taxation Acts; or (iv) in respect of which a notice has been issued, in relation to any proceeding under the relevant State Taxation Acts; or

- (v) determined to be payable by the assessee where no notice in relation to any proceeding under the relevant State Taxation Acts is issued, and such arrears of tax, interest, surcharge, penalty, pertains to specific tax period for which the return has been filed;
- (e) "**Assessing Officer**" means the Government official designated to complete assessment of periodical tax Returns filed by a registered dealer under respective State Taxation Acts;
- (f) "**Assessment**" means statutory proceedings under State Taxation Acts to determine the tax liability of a registered dealer;
- (g) "**Commissioner**" means the Commissioner of Taxes, Meghalaya;
- (h) "**Dealer**" means a person who carries on business, as defined under clause (xvi) of Section 2 of the Meghalaya Value Added Tax Act, 2003, sub-section (3) of Section 2 of the Meghalaya Sales Tax Act, sub-section (2) of Section 2 of the Meghalaya (Finance) Sales Tax Act, sub-section (3) of Section 2 of the Meghalaya Purchase Tax Act, sub-section (4) of Section 2 of the Meghalaya (Sales of Petroleum and Petroleum products etc.) Taxation Act and clause (b) of Section 2 of the Central Sales Tax Act, 1956;
- (i) "**Government**" means the Government of Meghalaya;
- (j) "**Hotelier**" means a person as defined under clause (d) of Section 2 of The Meghalaya Tax on Luxuries (Hotels and Lodging Houses) Act, 1991;
- (k) "**Notice of Demand**" means a statutory notice issued to a registered dealer after assessment requiring him to pay the outstanding dues;
- (l) "**Person**" includes an individual, joint family, firm, company, association of persons, body of individuals whether incorporated or not, Central Government or State Government or local authority;
- (m) "**Registered dealer Taxation Act**" means a dealer or a hotelier registered under the respective State Taxation Acts;
- (n) "Scheme" means the settlement of Arrear (under the State Taxation Acts) as provided under Section 3 to Section 13 of this Act;
- (o) "**State**" means the State of Meghalaya;
- (p) "**State Taxation Acts**" include The Meghalaya Sales Tax Act (Assam Act XVII of 1947 as adapted and amended by Meghalaya), The Meghalaya (Finance) Sales Tax Act (Assam Act XI of 1956 as adapted and amended by Meghalaya), The Meghalaya Tax on Luxuries (Hotels and Lodging Houses) Act, 1991, The Meghalaya (Sale of Petroleum and Petroleum Products etc.) Taxation Act (Assam Act IX of 1956 as adapted and amended by Meghalaya), the Meghalaya Purchase Tax Act (Assam Act XIX of 1967 as adapted and amended by Meghalaya), the Meghalaya Value Added Tax Act, 2003 and the Central Sales Tax Act, 1956 as administered, collected and appropriated by the Government;
- (q) "**Tax Defaulter**" means a registered dealer who has been assessed to tax and has been issued notice(s) of Demand on or before the 31st March 2020, but has failed to pay the outstanding dues of tax, interest, surcharge or penalty; and

- (r) “Tax Non-payer and/or Short payer”** means a registered dealer who has furnished the return for all tax periods upto 31st March, 2020 but has made no payment or has failed to make full payment of the tax admitted therein and notice(s) of demand has not yet been served;
- (2) Words and expressions used in this Act but not defined herein shall have the same meaning as respectively assigned to them under the relevant State Taxation Acts;
- Adjustment of any payment made under relevant act and settlement of arrears of tax, interest, surcharge, penalty, if any**
3. (1) Notwithstanding anything contained in the relevant State Taxation Acts or under this Act,-
- (a) any payment made in respect of the statutory order either in the appeal or otherwise, on or before the date of commencement of this Act, shall first be adjusted towards the amount of tax and thereafter towards the interest and the balance amount remaining unadjusted, shall then be adjusted towards the penalty, sequentially;
- (b) after adjustment of amount as specified in clause (a), the amount remaining outstanding, if any, as on the date of commencement of this Act, shall only be considered for the settlement and the requisite amount payable towards the settlement of aforesaid outstanding amount and the waiver, thereof, shall be as determined in accordance with the provisions of this Act.
- (2) The provisions of foregoing clauses shall be applicable with necessary changes to the balance outstanding dues as per the return furnished for the particular tax period or, as the case may be, as per the recommendations made in respect of tax, interest, surcharge or penalty by the auditor in the audit report.
- Eligibility**
4. (1) An applicant is eligible for remission on tax, interest, surcharge and penalty, on condition that he makes payment of not less than seventy per centum of total dues, as per applicability set forth, within the date specified by the Commissioner in the notice as may be prescribed.
- (2) Subject to the other provisions of this Act, an applicant shall be eligible to make an application for settlement of arrears of tax, interest, surcharge and penalty in respect of the specified period, whether such arrears are disputed in appeal under the relevant State Taxation Acts or not:
- Provided that no applicant shall be eligible for the Scheme if he has been convicted of an offence under Chapters XI, XVII and XVIII of the Indian Penal Code; or economic and financial offences prohibited by laws of the Government of India.
- Extent of applicability and duration**
5. (1) An applicant eligible under the Scheme with dues of tax, interest, surcharge and penalty shall be granted remission on tax, interest, surcharge and penalty up to an amount not exceeding thirty per centum of the total dues.

Procedure for application

6. (2) The duration of the Scheme shall be for a period of six months from the date of publication of the Act in the Official Gazette.
- (1) An eligible applicant who opts for the Scheme would have to file an application in the Form to prescribed by rules made thereunder. The application shall be signed in the case of an individual, by the individual himself or a person duly authorized by the individual or a person competent to act on his behalf. In case of person other than an individual, the declaration shall be signed by a person duly authorized or a person competent to act on behalf of entities other than an individual.
- (2) The application shall be made to the Assessing Officer in such form and in such manner, as may be specified in the order by the Commissioner.
- (3) Subject to the other provisions of this Act, where an applicant desires to settle the arrears of outstanding dues as per return furnished for the particular tax period under the relevant State Taxation Acts, he shall submit a separate application for each of such return or revised return under each relevant State Taxation Act.
- (4) Where any Appellate Authority including Tribunal, or the Court has remanded the case back to any authority under the relevant State Taxation Acts, for giving effect to the directions given therein and such order has not been passed on or before the date of commencement of this Act, then such cases shall not be eligible for settlement under this Act:

Provided that, the applicant may be eligible to settle the amount of tax, interest, surcharge and penalty as per the directions given by the said authority or the Court and in case, no such specific directions are given then such tax, interest, surcharge and penalty shall be determined by the applicant.

Withdrawal of appeal

7. (1) (a) Notwithstanding anything contained in any provisions of the relevant State Taxation Act, the appeal pending before the Appellate Authority or the Tribunal or the Court, shall be withdrawn unconditionally by the applicant on the date on which such appeal withdrawal application is submitted to the aforesaid authorities or the Court.
- (b) The submission of acknowledgement of such application to the Commissioner, along with the application for settlement shall be treated as sufficient proof towards withdrawal of the said appeal.
- (2) In case, the applicant desires to withdraw the appeal, in respect of certain issues and desires to continue the same for certain other issues, then the applicant, shall specifically state details thereof in withdrawal application filed before the said authorities or the Court, and the provisions of sub-section (1) of this Section shall apply with necessary changes so far as they relate to the withdrawal and submission of proof to the Commissioner.
- (3) The provisions of Section 3 shall be applicable in the cases where the applicant withdraws appeal as mentioned in sub-section (2) of this Section.

**Verification by
assessing officer****8.**

- (1) The Commissioner shall cause each application to be verified by the respective Assessing Officer for correctness of the declaration and payment, to be recorded in the registered dealer's file for respective State Taxation Acts.
- (2) The Assessing Officer shall verify and confirm that the application is accompanied with documents mentioned in the application form. The Assessing Officer shall verify the correctness of the particulars furnished in the application and documents submitted with the application with reference to the records available with the assessing authority or, as the case may be, any other authority with whom such records are available.
- (3) On verification of the application, in case it is noticed that, the said application is incorrect or incomplete or the amount declared to have been paid is deficient, the Assessing Officer shall issue defect notice, within thirty working days from the date of receipt of the application and inform the applicant about the defects in the application along with the details of the amount to be paid: provided that, the defect notice in respect of an application shall be issued only once.
- (4) The applicant shall, within fifteen days of the issue of the defect notice, correct the defects and make the payment of amount short paid, if any, and submit proof of such payment to the Assessing Officer.
- (5) In case the applicant fails to correct the defects so communicated including the additional payment, if any, the Assessing Officer may, for reasons to be recorded in writing and after giving the applicant the opportunity of being heard, pass an order within thirty working days of the date fixed under sub-section (4) of this Section.
- (6) Where the application is received from a Tax non-payer or Short payer, the Assessing Officer in addition to the verification as laid down at sub-section (1), (2) and (3) of this Section, shall pass the order of assessment under the relevant State Taxation Acts and issue the notice of demand to the applicant under the provisions of the relevant State Taxation Acts within thirty working days from the date of receipt of the application.
- (7) Where, the application is found by the Assessing Officer to be complete in all respects including application where deficiencies have been cured or notice of demand has been raised under sub-section (6) of this Section in accordance with the provisions of this Scheme and the rules made there under, he shall within fifteen working days, forward the application along with the case records to the Commissioner.
- (8) Where the application for settlement of arrears of tax, interest, surcharge and penalty is not in accordance with the provisions of this Scheme, the Assessing Officer may, by order, for reasons to be recorded in writing, within thirty working days from the date of receipt of the application, reject the application, after giving the opportunity of being heard to the applicant.

**Grant of remission
and amnesty****9.**

(9) Where the application has been rejected under sub-section (5) and (8) of this Section, the applicant may within fifteen working days of the date of issue of the order, file an appeal to the Commissioner in the format as may be prescribed by rules made thereunder.

(10) The speaking order on the appeal is to be passed by the Commissioner within thirty working days from the date of receipt of the appeal.

(1) If the Commissioner is satisfied that the application is complete and accurate in all respects in accordance with the provisions of this Scheme and the rules made there under, he shall issue the notice of demand directing the applicant to make payment to the Government Treasury, by Treasury challan, by the specified date being not less than thirty days and more than forty five days from the date of issuance of the notice, the sum of not less than seventy percentum of the total dues of tax, interest, surcharge and penalty.

(2) On full payment of the sum specified at sub-section (1) of this Section, the Commissioner shall pass a speaking order and issue a Tax Clearance Certificate within thirty working days, in a manner and format as may be prescribed by rules made thereunder and provide the copy of the said order to the applicant and thereupon, notwithstanding anything contained in the relevant State Taxation Acts, such applicant shall be discharged of his liability to the extent of the amount of waiver specified in the order of the settlement.

(3) The Commissioner may, on his own motion or on application, within six months from the date of issue of the order of settlement, rectify any error apparent from the record and pass a speaking order accordingly:

Provided that, no order adversely affecting the applicant shall be passed without giving him a reasonable opportunity of being heard.

Revocation of grant**10.**

(1) If the Commissioner is satisfied that a tax defaulter has obtained the grant of remission and amnesty by misrepresentation of facts or furnishing of false information, the Commissioner may revoke the grant after giving the tax defaulter an opportunity of being heard:

Provided that no order under the provision of sub-section (1) of this Section shall be passed after the expiry of two years from the date of issuance of the Tax Clearance Certificate under this Scheme.

(2) If an order of settlement is revoked under sub-section (1) of this Section, the assessment, revision, review or appeal, as the case may be, under the relevant State Taxation Acts, covered by such order of settlement, shall stand revived or reinstated immediately upon such revocation, and such assessment, revision, review or appeal, as the case may be, shall be decided in accordance with the provisions of the relevant State Taxation Acts, as if no order of settlement of the arrears of tax, interest, surcharge, penalty has ever been made, and notwithstanding the period of limitation provided under the relevant State Taxation Acts, such assessment, revision, review or appeal, as the case may be, shall be made by the respective authorities, within two years from the date of passing the order of such revocation:

Provided that, an appeal shall be re-instated on application made in this behalf to the Appellate Authority within sixty days from the date of issue of the order of revocation.

Bar on re-opening of settled cases	11.	An order of settlement issued under the provisions of this Act shall be conclusive as to the settlement of arrears covered under that order, and the matter covered by such order of settlement shall not be re-opened in any proceeding or review or revision or any other proceeding under the relevant State Taxation Acts.
Resolution of dues	12.	Final orders issued by the Commissioner in a manner and format as may be prescribed by rules made thereunder shall supersede the notice(s) of Demand issued under respective State Taxation Acts by the Assessing Officer, and no further proceedings for recovery shall continue.
No refund under this scheme	13.	Under no circumstances, the applicant shall be entitled to get the refund of the amount paid under this Act:
		Provided that, in case of revocation of an order of the settlement in accordance with the provisions of this Act, the amount paid by the applicant under this Act shall be treated to have been paid under the relevant State Taxation Acts.
Powers of authorities	14.	<p>(1) No Appellate Authority including Tribunal, shall proceed to decide any appeal under the relevant State Taxation Acts, in respect of and to the extent of one or more issues or all the issues for which an application is made by the applicant under the provisions of this Act.</p> <p>(2) Notwithstanding anything contained in the relevant State Taxation Acts, the Assessing Authority, the Appellate Authority including the Tribunal, Revision Authority, Reviewing Authority, shall proceed to decide such assessment, appeal, revision or review in accordance with the relevant State Taxation Acts, -</p> <ul style="list-style-type: none"> (a) to the extent of the issues for which no application for settlement is made by the applicant; or (b) in case an order of settlement referred in Section 9 is made, rejecting the application for settlement.
Power to make rules	15.	<p>(1) The State Government may, by notification, with prospective or retrospective effect not earlier than the date of coming into effect of this Act, make rules for carrying out the purposes of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which under any provision of this Act are required to be prescribed for by the rules.</p>
Power of the Commissioner	16.	<p>(1) The Commissioner may, from time to time, issue instructions and directions as he may deem fit to the designated authorities, for carrying out the purposes of this Act. (2) The Commissioner may, by an order specify the forms for the purpose of this Act and the manner in which the form shall be submitted.</p>

- Interpretation** 17. If any question arises relating to the interpretation of any of the provisions in this Act, it shall be referred to the Government of Meghalaya in the Excise, Registration, Taxation & Stamps Department, whose decision thereon shall be final and binding and no challenge shall lie against any order passed under this Act before any court of law.
- Power to remove difficulties** 18. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty:
- Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.
- (2) Every order made under sub-section (1) of this Section above shall be laid, as soon as may be, after it is made, before the House of the State Legislature.
- Bar to proceedings in civil court** 19. No suit shall be brought in any civil court to set aside or modify any order passed under this Act; and no prosecution, suit or other proceeding shall lie against the Commissioner or any of his subordinate officers for anything done in good faith or intended to be done under this Act.
- Repeal and saving** 20. (1) The Meghalaya Settlement of Arrears (under the State Taxation Acts) (Meghalaya Ordinance No.3 of 2020) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been taken or done under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

As there are preceding laws which existed before the introduction of the Meghalaya Goods and Services Tax (MGST) Act, 2017 and the Central Goods and Services Tax Act, 2017 and now stand subsumed under the MGST Act or are kept out of the said Acts and to mobilize tax resources that have become due for years but have remained unrecoverable due to burden of such dues, this Bill, provides for applicants an opportunity of remission on dues on account of tax, interest, surcharge and penalty, on condition of payment of 70 (Seventy) per cent of total outstanding dues within a stipulated time period and for other matters connected therewith or incidental thereto.

Therefore, it is expedient to effect recovery of the arrear dues on account of unrecovered tax, surcharge, interest and penalty that has accumulated over a number of years, it is necessary to enact a legislation to notify a Scheme for waive off of a certain percentage of the arrear dues if a tax defaulter comes forward to avail the benefit of the Scheme and pays the remainder of the amount in full, hence the Bill.

JAMES K. SANGMA,
Minister-in-charge
Taxation Department.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The provisions of this Bill when enacted and enforced will be administered by the staff of the Department and no additional expenditure will be necessary for the purpose.

MEMORANDUM ON DELEGATED LEGISLATION

Section 15 are the powers delegated for framing Rules by State Government which are matters of details and of normal character.



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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 5th November, 2020.

No.LB.128/LA/2020/2.— The Meghalaya Minerals Cess (Amendment) Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 5th November, 2020 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA MINERALS CESS (AMENDMENT) BILL, 2020

A BILL

further to amend the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy- first Year of the Republic of India as follows :-

Short title and commencement.

1. (1) This Act may be called the Meghalaya Minerals Cess (Amendment) Act, 2020.

- (2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

Amendment of Section 3.

2. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in Section 3, -

- (a) after the word "limestone", the words "Iron ore, Building stone, Boulder, Gravel, Ordinary sand, Ordinary clay, Ordinary earth, Brick earth, Slate, Shale, Granite, Quartz, Quartzite, Sandstone" shall be inserted;

- (b) after the word "quarry", the words "or any land" shall be inserted.

Amendment of Section 4.

3. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in sub-section (1) of Section 4, after clause (d), the following clauses shall be inserted, namely; -

(e) Iron ore, rupees one hundred and ten per tonne;

(f) Building stone and Boulder, rupees twenty-five per cubic meter;

(g) Gravel and Ordinary sand, rupees thirty per cubic meter;

(h) Ordinary clay, Ordinary earth and Brick earth, rupees twenty-five per cubic meter;

(i) Quartz, Slate and Shale, rupees twenty-five per tonne;

(j) Quartzite and Sandstone, rupees sixty per cubic meter;

(k) Granite, rupees two hundred and fifty per cubic meter".

Amendment of Section 5.

4. In the Meghalaya Minerals Cess Act, 1988 (Meghalaya Act No. 7 of 1988), in Section 5,-

- (a) in the clause (a), the word "and" shall be deleted;

- (b) after clause (b), the following clauses shall be inserted, namely : -

(c) improvement of public health;

(d) drinking water supply; and

(e) physical infrastructure development".

- (c) the existing proviso after clause (b) shall be replaced with the following proviso, namely : -

"provided that not less than twenty five percent of the proceeds so collected shall at any time be utilized for the purpose referred to in clause (a)".

STATEMENT OF OBJECTS AND REASONS

The Meghalaya Minerals Cess Act, 1988 was enacted to provide for levy and collection of Cess on some minerals for development of primary education and development and improvement of mining areas.

2. In order to augment revenue resources of the State, it is decided to amend Section 3 of Meghalaya Minerals Cess Act, 1988 to levy Cess on 14 (fourteen) new minerals viz. iron ore, building stone, granite, boulder, ordinary sand, ordinary clay, ordinary earth, gravel, slate, shale, brick earth, quartz, quartzite and sandstone and also fix the rate of cess for each mineral.

3. To augment revenue resources of the State, it is decided to amend the Section 3 of Meghalaya Minerals Cess Act, 1988 to levy Cess on minerals extracted or removed from 'any lands' in addition to mine or quarry.

4. To expand the activities for which cess amount can be utilize, it is decided to amend the Section 5 of the Act to include improvement of public health, drinking water supply and physical infrastructure development in addition to purpose mentioned under clause (a) and clause (b) of Section 5 of the aforesaid Act.

5. To achieve the primary objectives of the Meghalaya Minerals Cess Act, 1988, it is proposed to utilize not less than 25% of the amount collected for the purpose of development of primary education.

6. The Bill seeks to achieve the above objectives.

CONRAD K. SANGMA,
Chief Minister-in-charge
Mining and Geology Department.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill will not involve any additional expenditure from the Consolidated Fund of the State of Meghalaya.



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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 5th November, 2020.

No.LB.129/LA/2020/2.— The Meghalaya Farmers' (Empowerment Commission) (Amendment) Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 5th November, 2020 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA FARMERS' (EMPOWERMENT) COMMISSION**(AMENDMENT) BILL, 2020****A****BILL**

further to amend the Meghalaya Farmers' (Empowerment) Commission Act, 2019.

Be it enacted by the legislature of the State of Meghalaya in the seventy first year of the Republic of India as follows :-

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Meghalaya Farmers' (Empowerment) Commission (Amendment) Act, 2020.
(2) It shall extend to the whole State of Meghalaya.
(3) It shall come into force from the date of its publication in the Official Gazette.

**Amendment of
Chapter II
Section 4(1).**

2. In the Meghalaya Farmers' (Empowerment) Commission Act, 2019, after the existing sub-section (1) of Section 4, the following proviso shall be added :-

"Provided that no person shall hold office as Chairperson after he or she has attained the age of sixty five years."

BANTEIDOR LYNGDOH,
Minister,
Department of Agriculture & Farmers Welfare.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

THE MEGHALAYA FARMERS' (EMPOWERMENT) COMMISSION**BILL, 2019****An Act**

to provide for empowerment of the farmers of Meghalaya by constituting the Meghalaya Farmers' (Empowerment) Commission to act as a bridge between the farmers and the Government and would, *inter alia*, study and identify key issues of the farmers in the State of Meghalaya as also suggest remedial measures to make farming sector more attractive and remunerative for farmers and youth. The Commission shall engage itself in the formulation of long-term and short-term policy measures for the benefit of farmers and devise ways and means for better implementation of the Government policies relating to agriculture, allied sectors, food processing and value chain development in the State of Meghalaya. The Commission shall render such advice to the Government of Meghalaya on all matters connected therewith, and incidental thereto. The Commission shall examine various facets of farming activities including but not limited to climate change, sustainable farming practices, implementation of various commodity specific Missions, markets and international agreements, and their impact on farmers and farming activities and would assist the Government in formulating appropriate policies and programmes for mitigation as well as adaptation.

Be it enacted by the Legislature of the State of Meghalaya in the seventieth year of the Republic of India as follows :

CHAPTER I**Preliminary**

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Meghalaya Farmers' (Empowerment) Commission Act, 2019.
(2) It extends to the whole State of Meghalaya.
(3) It shall come into force from the date of its publication in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,-
 - (a) "Agriculture" means growing or cultivation of plants or produce of agriculture, horticulture, animal husbandry, dairying, herbal and medicinal plants, apiculture, sericulture, or any such other activity for the purpose of food, fodder, fiber, fuel, bio-fuel, and raw materials etc. for agro-industries;
 - (b) "Commission" means The Meghalaya Farmers' (Empowerment) Commission, constituted under sub-section (1) of Section 3 of this Act;

- (c) "Act" means The Meghalaya Farmers' (Empowerment) Commission Act, 2019";
- (d) "farmer" means any person(s) who -
 - (i) cultivates crops by cultivating the land himself; or
 - (ii) cultivates crops by supervising the cultivation of land through any other person;
 - (iii) any person who engages in fisheries, dairying, poultry, and other animal husbandry activities, and allied sectors like sericulture, apiculture, etc.;
 - (iv) any person who engages in agro forestry, non-timber forest produce, etc.;
 - (v) any persons who are agricultural labourers, sharecroppers, tenants engaged in various farm related occupations.
- (e) "Government" means the Government of Meghalaya;
- (f) "Nodal Department" means the Agriculture Department of the Government;
- (g) "produce" includes agricultural produce, livestock and its products, fishery products, Sericulture and Apiculture products, and such other products as may be considered appropriate by the Commission from time to time;
- (h) "regulations" means regulations made by the Commission under Section 14 in accordance with the provisions of this Act; and
- (i) "rules" means the rules made under this Act.

CHAPTER II

Constitution of the Commission and Functions of Farmers' (Empowerment) Commission

Constitution of the Commission, officers and other employees

- 3. (1) There shall be a Commission, to be known as the Farmers' (Empowerment) Commission, to discharge the functions assigned to it under this Act.
- (2) The Commission shall be a body corporate, by the name aforesaid, having perpetual succession and a common seal with the power to acquire, hold and dispose of properties, both moveable and immovable, and to contract, and shall by the said name sue and be sued.

- (3) The Commission shall consist of a sole member who shall be its Chairperson. The Chairperson to be appointed by the Government shall be a person of technical qualification, outstanding caliber and eminence, with long experience in agriculture policy formulation and implementation.
- (4) The Commission may engage such officers and other employees as may be necessary, either against sanctioned posts, or on contractual basis, or on deputation basis, or on such other short-term or medium term basis, for the efficient discharge of its functions and the process of such engagement, the salaries, allowances and other conditions of service of such officers and employees of the Commission shall be periodically informed to the Agriculture Department.
- (5) The Chairperson shall be the Chief Executive of the Commission and shall exercise such powers and perform such duties as may be prescribed under the rules.
4. (1) The Chairperson shall hold office for a term not exceeding five years from the date of assuming the office and shall not be eligible for reappointment in the Commission.
- (2) The Chairperson, may at any time, resign from office by writing under his hand addressed to the State Government.
- (3) The State Government may remove a person from the office of Chairperson, if that person :-
- (a) becomes an undischarged insolvent, or
 - (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude, or
 - (c) becomes of unsound mind and stands so declared by a competent court, or
 - (d) refuses to act or becomes incapable of acting, or
 - (e) in the opinion of the State Government has so abused the position of Chairperson as to render that person's continuance in office detrimental to the public interest :

Provided that no person shall be removed under this sub-section until that person has been given reasonable opportunity of being heard in the matter.

**Term of office
and conditions
of the service of
Chairperson and
member**

- (4) A vacancy caused under sub-section (2) or sub-section (3) shall be filled by a fresh nomination or appointment, as the case may be.

Salaries and allowances to be paid out of grant made by State Government.

5. The salaries, allowances or remuneration payable to the Chairperson and the administrative expenses including salaries, allowances etc. payable to the officers and other employees shall be paid out of grants made by the State Government out of its budgetary allocation either in the form of a Corpus Fund, or in the form of annual grants, as the case may be.

Vacancies etc. not to invalidate proceedings of the Commission.

6. No proceedings of the Commission or any Committee thereof shall be invalid by reasons only of the existence of any vacancy in or any defect in the Constitution of the Commission or such Committee as the case may be.

CHAPTER III

Functions of the Commission

Functions of the Commission.

7. The Commission shall discharge the following functions, namely : -
- (i) to make suitable policy recommendations to the State Government based on sound economic principles for the benefit of farmers and farming sector in the State of Meghalaya;
 - (ii) to assess the general farming situation and condition of the farmers in the State;
 - (iii) to identify the specific needs of the farmers and farming associations on issues and challenges they are facing, and to suggest specific measures to address the issues;
 - (iv) to set a medium term and long term goals - social, economic and ecological goals for the farming sector in order to make the sector most competitive; to suggest measures to improve the various stages of agriculture produce *viz.*, grading, processing, storage, transport, channels of distribution and all other functions involved so there is no value erosion at any stage and the farmers realize complete value for their produce;
 - (v) to suggest measures to improve the various stages of agriculture produce *viz.*, grading, processing, storage, transport, channels of distribution and all other functions involved so there is no value erosion at any stage and the farmers realize complete value for their produce;

- (vi) identify and recommend measures for raising financial resources for the implementation of the various measures suggested by the Commission;
- (vii) to review periodically and suggest effective and innovative measures to strengthen the Implementation and Monitoring of the various Central and State Government schemes and commodity specific missions launched by the Government at various times, to ensure effective outcome of the same;
- (viii) to induct various technologies for enhancing productivity that may include Mobile apps, Artificial Intelligence based crop husbandry, Seed Technology and Tissue Culture and other new methods and practices;
- (ix) to take steps to promote climate change resilient natural farming methods such as Zero Budget Natural Farming (ZBNF) in the State;
- (x) to suggest ways and means for availability of financial services to the farmers of Meghalaya;
- (xi) to suggest measures to mitigate and alleviate farmer's distress arising out of debt burden;
- (xii) to set up Seed Villages and develop a comprehensive seed management system for conservation and propagation of indigenous and climate change resilient varieties of seeds in the State;
- (xiii) to suggest measures to secure Geographical Indications and Intellectual Property Rights for all niche and high value crops which are unique to the State of Meghalaya;
- (xiv) to recommend environment friendly Irrigation systems, organic fertilizers and bio pest management systems to farmers;
- (xv) to oversee implementation of Crop/Animal Insurance program for Agriculture and allied sectors;
- (xvi) to oversee implementation of Soil Health Card program to support farmers in soil health care screening;
- (xvii) to improve governance and delivery of services to farmers using the provisions of the Meghalaya Community Participation and Public Services Social Audit Act 2017;
- (xviii) to consider demands and grievances of farmers and farmers' Associations and Unions and to establish a channel of communication with their representatives;

- (xix) to consider and advise Government on any other issue which is specially referred to the Commission by the State Government;
- (xx) The Commission shall submit to the Government an annual report of its functions and duties discharged in a financial year;
- (xxi) to encourage the farmers to form associations, and / or cooperative societies so their voice is collectivized, and heard with respect; and
- (xxii) to implement such Externally Aided Projects that have a direct bearing on farmer empowerment and mobilization, as also their economic upliftment.

CHAPTER IV

Procedure and Powers

Procedure and Powers

- 8. (1) The Commission shall devise its own procedures. It may call for such records and information from officials, as it considers necessary from the relevant Departments of the Government and autonomous research and training institutions who shall furnish such records, information and documents, relevant to the Commission's objectives and render such information and assistance as may be required by the Commission.
- (2) The Commission may set up sub-committee(s) or study team(s) on specific issues. It may also engage consultants to study any aspect which is covered by its terms of reference and may require the services of the officers and staff either on deputation, or on a contractual basis.
- (3) While the Commission shall be free to have a sitting anywhere in the State, the Government shall provide the Commission sufficient office space to accommodate the officials and staff, as well as space to facilitate the meetings with the farmers and/or their unions and associations.

CHAPTER V

Finance, Accounts and Audit

Grant by State Government etc.

- 9. (1) The State Government shall under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government in consultation with the Commission may think fit for being utilized for the purposes of this Act. The grant could be in the form of a Corpus fund, or annual grants, as the case may be.

- (2) The Commission may, subject to such terms and conditions as may be specified in this behalf by the State Government, may receive grants from Government of India, North Eastern Council, International Funding Agencies, Indian Council of Agricultural Research, National Bank for Agriculture and Rural Development or other funding Organizations of similar nature, so it can meet its obligations mandated under the Act.
- (3) The Commission may be serviced either by the Nodal Department or any such other organization, as may be notified by the Government.
- (4) The Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-section (1) and sub-section (2).
- (5) The Commission may invest any or whole of its available/surplus financial resources in mutual funds, or in commercial banks for generating regular income, to meet its mandated obligations. It will be open for the Commission to generate resources of its own, to reduce the financial burden on the Government.

**Accounts, Audit
and
Accountability.**

- 10.** (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Meghalaya.
- (2) The annual accounts of the Commission shall be audited by the Accountant General, Meghalaya.
- (3) The Accountant General, Meghalaya shall have the same rights and privileges and the authority in connection with such Audit as the Accountant General, Meghalaya generally has in connection with the Audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the officers of the Commission.
- (4) The Accounts of the Commission, as certified by the Accountant General, Meghalaya together with the Audit report thereon shall be forwarded annually to the State Government by the Commission.
- (5) The Chairperson of the Commission will periodically brief the Chief Minister of the Government of Meghalaya about the discharge of the functions of the Commission.

CHAPTER VI

Miscellaneous

**Chairperson,
Members and
the staff of the
Commission to
be public
servants.**

- 11.** The Chairperson, the Officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code and Section 2 (c) of the Prevention of Corruption Act, 1988.

**Protection of
acts done in
good faith.**

- 12.** No suit, prosecution or other legal proceedings shall lie against the Chairperson of the Commission or any officer of the Commission for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**Power to make
rules.**

- 13.** (1) The State Government may, by notification in the official Gazette make rules for carrying out the provision of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the salaries, allowances and facilities to be made available to, and the other terms and conditions of service of the Chairperson.
 - (b) the form in which the annual statement of accounts shall be maintained.
 - (c) any other matter which is required to be, or may be prescribed.
- (3) Every rule made under this Act shall be laid, as soon as may be after it is made before the State Legislature.

**Power to make
regulations.**

- 14.** The Commission may make regulations, not inconsistent with this Act and Rules made thereunder for the administration of the affairs of the Commission.

**Power to remove
difficulty.**

- 15.** If any difficulty arises in the implementation of any provisions of this Act, Government may, as exigency requires, by order not inconsistent with the provision of this Act, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty.

**Repeal and
Savings.**

- 16.** (1) The Meghalaya Farmers' (Empowerment) Commission Ordinance, 2019 (Meghalaya Ordinance 2 of 2019) is hereby repealed.
- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the provisions of this Act.

D. LYNGDOH,
Deputy Secretary,
to the Govt. of Meghalaya,
Law Department.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 202

Shillong, Thursday, November 5, 2020

14th Kartika, 1942 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 5th November, 2020.

No.LB.130/LA/2020/2. - The Meghalaya Right to Public Services Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 5th November, 2020 together with the statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE MEGHALAYA RIGHT TO PUBLIC SERVICES BILL, 2020.**A****Bill**

to provide for the delivery of notified public services to the citizens in the State of Meghalaya within the stipulated time limit including liabilities of the government servants, in case of default and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Meghalaya in the Seventy First Year of the Republic of India as follows: -

CHAPTER - I**PRELIMINARY****Short title, extent application and commencement.**

1. (1) This Act may be called the Meghalaya Right To Public Services Act, 2020.
(2) This Act shall extend to the State of Meghalaya and shall apply to all State Government employees and any other person or Public Authority or Agency providing services on behalf of the State.
(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires : -
 - (a) "Act" means the Meghalaya Right to Public Services Act, 2020;
 - (b) "Appellate Authority" means an officer appointed by notification by the Government and who is above the rank of the Designated Officer, and invested with the powers to hear appeals against the orders passed by a Designated Officer under this Act;
 - (c) "Chief Commissioner" means the Chief Commissioner of the State Public Service Delivery Commission appointed under clause (a) of sub-section (2) of section 9;
 - (d) "Citizen related services" include the services as notified under sub-section (2) of section 3 of this Act;
 - (e) "Commissioner" means Commissioner of the State Public Service Delivery Commission appointed under clause (b) of sub-section (2) of section 9;
 - (f) "Designated Officer" means an officer appointed by notification by the Government for providing the service as per the provisions of this Act;
 - (g) "Gazette" means the Gazette of the State of Meghalaya;
 - (h) "Government" means the Government of Meghalaya;
 - (i) "Governor" means the Governor of Meghalaya;
 - (j) "Government servant" means a person appointed to any civil service or post in connection with the affairs of the State Government

including a person working on deputation; and a person appointed in a Public Authority which is owned, controlled or substantially financed by the Government;

- (k) "Notification" means a notification published in the Official Gazette;
- (l) "Rule" means a rule under this Act;
- (m) "State Public Service Delivery Commission" means the Commission constituted under sub-section (1) of section 9; and
- (n) "Year" means a financial year commencing on the 1st Day of April and ending on the 31st day of March of the succeeding year.

CHAPTER - II

CITIZEN'S RIGHT TO TIME BOUND DELIVERY OF SERVICES, AND PROCEDURE GOVERNING FIXING OF LIABILITY IN CASES OF DEFAULT.

Right of citizen to obtain time bound delivery of services.

- 3 (1). Every citizen shall have the right to obtain citizen related services in Meghalaya as notified under sub-section (2) of section 3 of this Act.
- (2) The State Government may, from time to time, notify the services and the time period within which the services shall be provided, including the Designated Officer who shall provide the service and the Appellate Authority who shall hear appeals in accordance with the provisions of the Act.
- (3) While computing the stipulated time for providing services, a public or official holiday shall not be counted.

Liability of the designated officer to deliver services within the stipulated period

- 4. (1) Every Designated Officer shall be duty bound to deliver services within the time period as notified sub-section (2) of section 3 of this Act.
- (2) The Designated Officer shall, for the convenience of the general public, cause to display all relevant information related to the notified public services on the notice board of his office and upload it on the official website. This notice shall also include the list of documents required to be furnished along with the application.

Duty of the Designated Officer.

- 5. (1) The Designated Officer shall, on receipt of an application for service by any person, without prejudice to the provisions of any law for the time being in force, provide the service or reject the application within the time period as notified under sub-section (2) of section 3 of this Act.
- (2) In case of rejection, he shall state the reasons for the same in writing and shall intimate it to the applicant forthwith.
- (3) He shall inform the applicant about the period within which an appeal against such denial or delay may be preferred.
- (4) He shall furnish the particulars of the Appellate Authority.

- (5) The stipulated time limit as notified under sub-section (2) of section 3 of this Act shall start from the date on which the application is received complete in all respects by the Designated Officer.

Appeal.

6. (1) Any person, who does not receive the required service within the stipulated time period or whose application is rejected under sub-section (1) and (2) of section 5 of this Act may file an appeal to the Appellate Authority within thirty days from the date of rejection of the application or on the expiry of the stipulated time limit, in such manner and on payment of such fee, as may be prescribed:

Provided that the Appellate Authority may admit the appeal after the expiry of the period of thirty days if the authority is satisfied that the appellant had sufficient cause for not filing the appeal in time.

- (2) The Appellate Authority may direct the Designated Officer to provide the service within a specified period or may reject the appeal.
- (3) An appeal under sub-section (1) shall be disposed of within a period of thirty days from the date of receipt of the appeal.

Filing a Complaint.

7. (1) Any person aggrieved by a decision of the Appellate Authority may prefer an appeal to the State Public Service Delivery Commission within thirty days from the date of decision of the Appellate Authority, in such manner and on payment of such fee, as may be prescribed:

Provided that the State Public Service Delivery Commission may admit the appeal after the expiry of the period of thirty days if that authority is satisfied that the appellant had sufficient cause for not filing the appeal in time but such period shall not exceed a period of sixty days from the date of decision of the Appellate Authority.

- (2) The State Public Service Delivery Commission may direct the Designated Officer to provide the service within a specified period or may reject the appeal.
- (3) Where the State Public Service Delivery Commission finds that sufficient reason does not exist for not providing the service within the stipulated time limit, it may, along with the direction to provide the service, impose penalty as provided in section 8 of this Act, on the Designated Officer.
- (4) An appeal under sub-section (1) above shall be disposed of within a period of thirty days from the date of receipt of the appeal.
- (5) Where the Designated Officer does not comply with the direction given by the Appellate Authority under sub-section (2) of section 6, the person aggrieved by such non-compliance may file an application directly to the State Public Service Delivery Commission and such an application shall be disposed of in the same manner as appeal referred to in sub-section (1) and sub-section (4) of this section.

Penalty and compensation

8. (1) The State Public Service Delivery Commission may impose a lump sum penalty against the Designated officer for failure to deliver or render services to which the applicant is entitled. Such lump sum penalty may extend up to five thousand rupees at the first instance and up to twenty thousand rupees for repeated instances which shall be recovered

from the officer against whom the penalty has been imposed :

Provided that before imposing any penalty under this sub-section, the officer on whom the penalty is proposed to be imposed shall be given a reasonable opportunity of being heard.

- (2) On receiving the order of imposition of penalty under sub-section (1) above the Drawing and Disbursing Officer or the Treasury Officer, as the case may be, shall recover the amount of penalty from the salary of the Designated Officer and deposit the same in the government account and shall send a copy of the challan to the State Public Service Delivery Commission

CHAPTER - III

Constitution of a State Public Service Delivery Commission.

Constitution of a State Public Service Delivery Commission.

- 9.** (1) The State Government shall, by notification in the Official Gazette, constitute a Commission to be known as the "State Public Service Delivery Commission" to exercise the jurisdiction, powers and functions conferred under this Act.

- (2) The State Public Service Delivery Commission shall consist of : -
- One Chief Commissioner ; and
 - One Commissioner.

- (3) The Chief Commissioner and Commissioner shall be appointed on the recommendation of a two Member Selection Committee consisting of the Chief Minister and a Cabinet Minister nominated by him.

Qualification for Appointment and Term of office of Chief Commissioner and Commissioner.

- 10.** (1) The Chief Commissioner and Commissioner shall be persons of eminence in public life with wide knowledge in public administration and governance, social service, management and science and technology, with at least 25 years of experience in their respective fields to be eligible for the post of the Chief Commissioner and 15 years for the post of the Commissioner.

- (2) The Chief Commissioner or a Commissioner shall not be a sitting Member of Parliament or Member of Legislature of any State or Union territory, or Member of Autonomous District Council or hold any other office of profit, or be connected with any political party, or carrying on any business, or pursuing any profession.
- (3) The Chief Commissioner and Commissioner shall hold office for a term of five years from the date on which they enter office or until they attain the age of sixty-five years, whichever is earlier.
- (4) The Chief Commissioner and Commissioner shall not be eligible for re appointment.
- (5) The salaries and allowances payable to and other terms and conditions of service of :-

(a) the Chief Commissioner shall be equivalent to that of the Chief Secretary to the Government;

(b) a Commissioner shall be equivalent to that of the Principal Secretary to the Government:

Provided that if the Chief Commissioner or Commissioner, at the time of his appointment is in receipt of a pension, other than a disability or war injury pension in respect of any previous service under the Government of India or the Government of State, his salary in respect of the service as Chief Commissioner or Commissioner shall be proportionately reduced by the amount of pension, including portion of pension commuted and additional pension if any:

Provided further, that where the Chief Commissioner or Commissioner, if at the time of his appointment, is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the service as a Chief Commissioner or Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits.

**State
Government to
provide officers
and employees
to the State
Public Service
Delivery
Commission and
their functions.**

11. (1) The State Government shall provide the State Public Service Delivery Commission with such officers and employees as may be required for the discharge of its functions under this Act.

(2) The officers and employees so appointed under sub-section (1) above shall discharge their functions under the general superintendence, control and discipline of the Chief Commissioner.

(3) The general superintendence, direction and management of the affairs of the State Public Service Delivery Commission shall vest in the Chief Commissioner who shall be assisted by the Commissioner and he may exercise all such powers and do all such acts which may be exercised or done by the State Public Service Delivery Commission.

**Powers of the
State Public
Service Delivery
Commission to be
deemed civil
court under the
Code of Civil
Procedure, 1908.**

12. (1) For the purposes of its functions under this Act, the State Public Service Delivery Commission shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the following matters, namely :-

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object liable to be produced as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing summons for examination of witnesses;

(f) reviewing its decisions, direction and orders; and

(g) any other matter which may be prescribed.

- (2) The State Public Service Delivery Commission shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder. The State Public Service Delivery Commission shall have the powers to regulate its own procedure.

Proceedings of the State Public Service Delivery Commission to be judicial proceedings.

13. All proceedings before the State Public Service Delivery Commission shall be deemed to be judicial proceedings within the meaning of section 193 and section 228 of the Indian Penal Code and the State Public Service Delivery Commission shall be deemed to be a civil court for the purposes of section 345 and section 346 of the Code of Criminal Procedure, 1973.

CHAPTER - IV

MISCELLANEOUS

Jurisdiction to settle, decide or deal.

14. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with or to be determined by the State Public Service Delivery Commission.

Officers & Staffs of State Public Service Delivery Commission to be public servants.

15. The staff and officers of the State Public Service Delivery Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 and clause (c) of section 2 of the Prevention of Corruption Act, 1988.

Acts done in good faith.

16. No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rule made thereunder.

Monitoring of Implementation.

17. The State Government may introduce a system for centralized monitoring of the timely delivery of notified services, including service delivery through use of Information Communication Technology (ICT) and for monitoring various provisions of this Act.

Dissemination & Training.

18. The State Government or the State Public Service Delivery Commission may take steps to :-
- (i) develop and organize campaigns and programmes to advance the understanding of the citizens, as to how to exercise the rights contemplated under the Act;
 - (ii) encourage public authorities as deemed appropriate to participate in the development and organization of programmes referred to in clause (i) above and also to undertake such programmes themselves;
 - (iii) promote timely and effective dissemination of accurate information by public authorities about the notified services and timelines and the processes for applications, and penalties therein;

- (iv) train the nodal officers and designated officers and other public servants, as the case may be, of their duties under the Act;
- (v) compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right specified under this Act;
- (vi) update and publish guidelines referred to in clause (v) above at regular intervals which shall, in particular and without prejudice to the generality of the clause (v) above, include:-
 - (a) the objectives of the Act;
 - (b) the manner and the form in which application for the services shall be made to the Designated Officer or appeal shall be filed to the Appellate Authorities;
 - (c) any additional regulations or circulars made or issued for obtaining services in accordance with the Act.
 - (d) measures to improve the efficiency in the delivery of citizen related services.

Power to make rules.

- 19. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Without prejudice to the generality of the foregoing powers the rules may provide for : -
 - (a) the amount of fees to be provided under sub-section (l) of section 6 and sub-section (1) of section 7 of this Act;
 - (b) any other matter which may by rule be prescribed.
- (3) Every rule made under this section shall, as soon as after it is made, be laid before the Meghalaya Legislative Assembly.

Power to remove difficulty.

- 20. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty for a period of two years from the date of notification of the Act.

STATEMENT OF OBJECT AND REASONS

The Government intends to enact a law to provide for time bound delivery of the services to the citizens in the State of Meghalaya including liability of the Government servant in case of default to deliver service to citizens.

Hence, the Bill

CONRAD K. SANGMA,

Chief Minister of Meghalaya.

ANDREW SIMONS,

Commissioner & Secretary,

Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

Certain expenditure will be involved from the Consolidated Fund of the State of Meghalaya for the implementation of the proposed enactment.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 19 provides for making rules by the Government. Further Clause 20 provides for removing of the difficulties if such provisions give difficulty in implementation of the provision of the Act. The rules made under Clause 19 are to be laid before the Meghalaya Legislative Assembly. The delegation as such is of normal character.



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PART-V

GOVERNMENT OF MEGHALAYA MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 5th November, 2020.

No.LB.131/LA/2020/2.— The St. Xavier's University, Shillong Bill, 2020 introduced in the Meghalaya Legislative Assembly on the 5th November, 2020 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE ST. XAVIER'S UNIVERSITY, SHILLONG BILL, 2020.**A
Bill**

to provide for establishment and incorporation of the St. Xavier's University, Shillong sponsored by the St. Xavier's University Society, Shillong and for matter(s) connected therewith and incidental thereto.

WHEREAS it is expedient to constitute and incorporate the St. Xavier's University, Shillong to enable it to function efficiently as a University encouraging and providing for instruction and research in various branches of learning and courses of study, promoting advancement and dissemination of knowledge and learning, and extending higher education, to meet the growing needs of the society;

Be it enacted by the Legislature of State of Meghalaya in the Seventy-first Year of the Republic of India as follows:-

Short title and commencement.

1. (1) The Act may be called the St. Xavier's University, Shillong Act, 2020.
(2) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise required, -
 - (i) "Academic Council" means the Academic Council of the University referred to in Section 32;
 - (ii) "Act" means the St. Xavier's University Shillong Act, 2020;
 - (iii) "Annual Report" means the Annual Report of the University;
 - (iv) "Board of Studies" means the Board of Studies of the University as explained in Section 35 of the Act;
 - (v) "Chancellor" means the Chancellor of the University;
 - (vi) "Constituent college" means a college established and administered by the Sponsoring Society and the Parent Body and any other colleges anywhere in the State of Meghalaya, irrespective of the fact that such college is affiliated to any other University and not so declared as such;
 - (vii) "Convocation" means the meeting of the Governing Board for the purpose of conferring degrees, titles, diplomas, certificates or other academic distinctions, including titles of *Honoris Causa*;
 - (viii) "Dean of Faculty" means Dean of Faculty Council as explained in Section 22 of the Act;
 - (ix) "Dean of Students' Welfare" means Dean of Students' Welfare as explained in Section 23 of the Act;
 - (x) "Degree" means the degree awarded by the University;
 - (xi) "Department" means a department of studies and includes a centre of studies established by the University;
 - (xii) "Development Fund" means the Development Fund of the University;
 - (xiii) "Employee" means employee of the said University and includes administrative and academic staff and other staff of the University;

- (xiv) "Executive Council" means the Executive Council of the University referred to in Section 30;
- (xv) "Faculty Councils" means a Faculty Council for postgraduate and undergraduate studies of the University referred to in Section 34;
- (xvi) "Finance Officer" means Finance Officer of the said University appointed under Section 19;
- (xvii) "Financial Year" means the year beginning on the 1st day of April and ending on the 31st day of March of the succeeding year;
- (xviii) "Governing Board" means the Governing Board of the University referred to in Section 27;
- (xix) "Hall" or "Hostel" means a unit of residence for students established, managed or maintained or recognized by the University;
- (xx) "Jesuit" means a member of the Society of Jesus;
- (xxi) "Librarian" means a Librarian or any other person holding the post of Librarian, by whatever name called, appointed as such by the University;
- (xxii) "Loyola College Williamnagar" means Loyola College Williamnagar, and "St. Xavier's College Umoid" means the St. Xavier's College Umoid, both of which are established and managed by the Jesuit Society;
- (xxiii) "Non-teaching Staff" means the non-teaching staff, by whatever name called, appointed or recognized as such by the University not holding any teaching post or not holding the post of an officer or Librarian;
- (xxiv) "Officer" means officer of the University;
- (xxv) "Parent Body" means and refers to the Kohima Region of the Jesuits which is presently headquartered at Jesuit House, 5 Chief Secretary Lane, Jahaj Ghat, Uzan Bazaar, Guwahati - 560001;
- (xxvi) "Prescribed" means prescribed by rules, order, notifications and by-laws made under this Act by the State Government;
- (xxvii) "Registrar" means the Registrar of the University whose appointment, powers and functions etc., are prescribed in Section 17, 18 and 21 of the Act;
- (xxviii) "Regulations" means the Regulations of the University;
- (xxix) "Regulatory Body" means-
 - (a) a body established by the Central Government for laying down norms and conditions for ensuring academic standard of higher education in its designated areas or coverage, including University Grants Commission, All India Council for Technical Education, Council for Scientific and Industrial Research, Department of Science and Technology, Distance Education Council, Indian Council of Scientific Research, National Assessment and Accreditation Council, National Council for Teachers Education, Pharmacy Council of India, Bar Council of

India, Medical Council of India, Dental Council of India, Indian Nursing Council, Central Council of Homoeopathy, Central Council of Indian Medicine, Council of Architecture, Rehabilitation Council of India and such other Statutory Bodies as may be established or incorporated by the Central Government for the purpose of regulating higher education; and

- (b) the State Government of Meghalaya in the Directorate of Higher and Technical Education and/or the Meghalaya Private Universities Regulatory Board constituted under Section 11 of the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019;

(xxx) "Section" means Section of the Act;

(xxxi) "State" means State of Meghalaya;

(xxxii) "State Government" means the Government of the State of Meghalaya;

(xxxiii) "Sponsoring Society" means the St. Xavier's University Shillong Society, constituted and registered under the Meghalaya Societies Registration Act, 1983;

(xxxiv) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University made under this Act;

(xxxv) "Student" means the regular student of the University;

(xxxvi) "University Teacher" means a Professor, an Associate Professor, an Assistant Professor or such other person as may be appointed for imparting instruction or conducting research in the University;

(xxxvii) "University" means St. Xavier's University Shillong as constituted under this Act;

(xxxviii) "University Fund" means Fund of the University referred to in Section 45;

(xxxix) "University Laboratory", "University Library", "University Museum", or "University Institution" means a laboratory, a library, a museum or an institution, as the case maybe, established, maintained and managed by the University;

(xl) "UGC" or "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956.

(xli) "Vice-Chancellor" and "Pro-Vice-Chancellor" means respectively the Vice-Chancellor of the University as explained in Section 14 and 15 and the Pro-Vice-Chancellor of the University as explained in Section 16 of the Act; and

(xlii) "Visitor" means the Visitor of the University as explained in Section 11 of the Act.

The University and its incorporation.

3. (1) There shall be established and incorporated a University by the name of the St. Xavier's University, Shillong.

(2) The headquarter of the University shall be located within or in close proximity to the Shillong Metropolitan Area.

(3) The University shall be a unitary University having no power to provide affiliation to any college;

Provided that the University may have as many constituent colleges situated within the territory of Meghalaya and exclusively established and administered by the Sponsoring Society and its Parent Body and any other such colleges.

(4) The Chancellor, the Vice-Chancellor and other officers and employees of the University and the members of the Governing Board and the Executive Council, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the St. Xavier's University, Shillong.

(5) The University shall have perpetual succession and a common seal and shall sue and be sued by the name of the St. Xavier's University, Shillong.

4. (1) The Sponsoring Society shall, from time to time, transfer movable and immovable properties to the University in accordance with relevant law for carrying out the purposes of this Act.

(2) The movable and immovable properties transferred under sub-section (1) shall be used and administered by the Governing Board in such manner as may be provided by the Statute.

(3) The movable and immovable properties transferred under sub-section (1) shall be applied for meeting the liabilities of the University in the event of dissolution or winding up of the University in such manner as may be prescribed.

5. The object of the University shall be. –

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;

(2) to encourage study of modern technology and professional courses;

(3) to provide students and teachers the necessary atmosphere and facilities for the promotion of innovations in education leading to restructuring of course, new and innovative methods of teaching, learning and integral development of personality;

(4) to promote studies in various disciplines and interdisciplinary studies and to promote national integration, secularism and understanding of the international issues amongst the students;

(5) to become a centre of academic excellence in the field of higher education and research;

(6) to become a bridge between the rural-urban divide, extending the benefit of education to the poor and the marginalized, aiming at their empowerment;

(7) to ensure access and equality in higher educational opportunity to all deserving and meritorious students with preferential option for the poor and the marginalized, irrespective of caste and creed;

Properties of the University and its application.

Objects of the University.

- (8) to inspire and challenge all segments of the University to raise the realm of good to great and to greater through continuous quality assessment;
- (9) to offer subjects for competence-building and motivate and animate a work force imbued with human values;
- (10) to open centres of studies and campuses in different parts of Meghalaya;
- (11) to focus on access to knowledge, creation of knowledge, application of knowledge, dissemination of knowledge and development of better knowledge services.

Powers of the University.

- 6. The University shall have the following powers, namely.-
 - (1) to encourage and provide for instruction, teaching, training and research in such branches of learning and courses of study as it may think fit, and generally to promote the advancement and dissemination of knowledge, learning and research and the extension of higher education including the study of indigenous languages as well as culture and rural development;
 - (2) to establish, administer, maintain and manage campuses, libraries, laboratories, museums and such other institutions or centres for study, research and training as it may deem necessary;
 - (3) to institute degrees, titles, diplomas, certificates and other academic distinctions;
 - (4) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons who shall have pursued an approved course of study in the University in the manner provided and shall have passed the prescribed examinations of the University, or shall have carried on research under conditions provided;
 - (5) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be provided by Statutes and after giving the person affected a reasonable opportunity to present his case;
 - (6) to confer honorary degrees or other academic distinctions under conditions provided;
 - (7) to make such Statutes as, from time to time, be considered necessary for regulating the affairs and management of the University and to alter, amend and to rescind them;
 - (8) to formulate policy and determine the standard of admission which may include examination, evaluation or any other method of testing;
 - (9) to institute Professorships including Chair Professorships and other teaching posts required by the University and to appoint persons to such Professorships or other teaching posts, or to recognize persons as Professors, Associate Professors or Assistant Professors of the University, or as holders of other teaching posts of the University for the purpose of imparting instruction and for conducting research in the University;
 - (10) to create posts, as and when required, of officers and employees of the University besides those provided under this Act;

- (11) to create Service Rules and Conditions and to regulate and enforce discipline amongst the employees of the University and to take such disciplinary measures as may be deemed necessary;
- (12) to provide, subject to the provisions of this Act, the constitution, powers and duties of the Boards of Studies, the Finance Committee, and other bodies as may be constituted;
- (13) to provide the powers and duties of officers of the University;
- (14) to provide, subject to the provisions of this Act, the terms and conditions of service, including the rules regarding conduct and discipline and the emoluments for all categories of employees of the University with prior approval of the Governing Board;
- (15) to make provisions for provident fund and other funds for the welfare of the employees of the University and to keep and maintain those funds as per provisions of law applicable from time to time;
- (16) to determine tuition fees or other charges for admission and for examinations and other purposes, and to demand and receive the fees or other charges so determined;
- (17) to establish, administer, maintain and manage halls, hostels, etc.;
- (18) to provide for promotion of health, welfare and discipline amongst the students;
- (19) to extend grant to the National Service Scheme and National Cadet Corps and other such bodies recognized by the University from the University Fund;
- (20) to enter into agreement with the State Government or with any person, body or authority for taking over by the University of the management of any institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (21) to acquire, hold and dispose of property, movable and immovable and to make grants and advances for furthering any of its objects;
- (22) to accept and administer gifts, endowments and benefactions, for the furtherance of any of its objects of the University and to institute awards, fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes;
- (23) to receive funds from industry, institutions, national and international organizations, national or international financial institutions including nationalized banks or from any other source, or to receive loans, subsidies, grants, assistance, donations, benefactions, bequests and to transfer of movable and immovable properties, for the purposes and objects of the University in such manner as may be provided for by the Regulations;
- (24) to co-operate with other Universities, institutions and educational authorities in matters that relate to and further the educational objectives of the University;
- (25) to impart instruction through distance education with the approval of the appropriate authority;
- (26) to introduce interdisciplinary or multidisciplinary or integrated courses in selected subjects;

- (27) to initiate collaborative teaching and research programme with other Universities and institutions of repute and to provide modalities for credit transfer and award of joint degrees, if deemed necessary;
- (28) to do all such acts and things as may be necessary or desirable for, or incidental to, the advancement of the objects or purposes of the University.
- Teaching of the University.**
7. (1) All recognized teaching in connection with any degree, diploma, certificate, award, distinction of the University shall be conducted by the teachers of the University under the general supervision of the Executive Council and the Academic Council.
- (2) The authorities responsible for such teaching shall be such as may be provided in the Ordinances.
- Jurisdiction of the University.**
8. (1) The jurisdiction of the University shall be the whole of the State of Meghalaya.
- (2) The University shall have right to open its branches or units or centres or campuses anywhere in Meghalaya with prior approval of the University Grants Commission and the State Government, and as provided under the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019.
- Access to the University.**
9. The University shall be open to all persons irrespective of gender, religion, race, creed, caste or class for being associated therein as a student or teacher, or to hold any office therein;
- Provided that nothing in this section shall be deemed to prevent the University for making appropriate provisions for reservation of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with disabilities and persons with special needs and any other deserving group in terms of law or order issued by the State Government to this effect.
- Delegation of Powers.**
10. The University may delegate such of its powers as it may deem expedient to any of its authorities or to any of its officers, and may, at any time, withdraw at its discretion any power so delegated.
- The Visitor.**
11. (1) The Governor of Meghalaya shall, by virtue of his office, be the Visitor of the University.
- (2) The Visitor shall, if present, preside over the Convocation of the University held for conferring degrees, diplomas, charters, designations and certificates as per rules and regulations of the University framed from time to time.
- (3) Subject to the procedures as may be prescribed, the Visitor may, either *suo-motto* or on the basis of information received, call for any paper or information relating to the affairs of the University and if he is satisfied that any order, or decision taken or proceeding instituted by any authority of the University is not in conformity with the Act, Statutes, Ordinances, Regulations or rules, the Visitor may give such advice to the Chancellor as he may deem fit in the interest of the University. On the basis of such advice from the Visitor the Chancellor shall take appropriate action.
- Officers of the University.**
12. The following shall be the officers of the University.-

**The Chancellor
and his powers
and functions.**

- (1) the Vice-Chancellor,
(2) the Pro-Vice-Chancellor,
(3) the Registrar,
(4) the Controller of Examinations,
(5) the Deans of Faculty,
(6) the Dean(s) of Students' Welfare,
(7) the Finance Officer; and
(8) the Persons holding such other posts as may be declared by the Statutes to be the posts of officers of the University.
13. (1) The President of the Sponsoring Society shall by virtue of his office be the Chancellor of the University.
(2) The Chancellor shall hold office for a period of six years and by virtue of his office, be the head of the University.
(3) The Chancellor shall, in absence of the Visitor, preside at the Convocation of the University held for conferring degrees.
(4) The Chancellor shall by virtue of his office, be the Chairperson of the Governing Board.
(5) The Chancellor shall have the following powers, namely,-
(a) to call for any information or records;
(b) to appoint or remove the Vice-Chancellor.
(6) The powers and functions of the Chancellor shall be such as shall be provided by the Statutes.
- The Vice-Chancellor.** 14. (1) The Vice-Chancellor shall be a distinguished academic with proven competence, integrity, morals and institutional commitment.
(2) The Vice-Chancellor shall be a person with a minimum of ten years of experience of teaching in a reputed institution of higher education along with a minimum of five years of administrative experience in a higher education institution.
(3) The Vice-Chancellor shall be appointed by the Chancellor with the approval of the Governing Board.
(4) The Vice-Chancellor shall be from amongst the members of the Jesuits. If a suitable person is not available from among the Jesuits, the Chancellor may appoint another person subject to the fulfillment of conditions mentioned in sub-sections (1) and (2).
(5) The Vice-Chancellor shall be the whole-time officer of the University and shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Governing Board.
(6) The Vice-Chancellor may resign from his office by writing under his hand addressed to the Chancellor.

(7) If,-

- (a) the Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or
- (b) a vacancy occurs in the office of the Vice-Chancellor by reason of death, resignation, removal, expiry of the term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Vice-Chancellor, as the case may be, the Chancellor may appoint the Pro-Vice-Chancellor or any other person from and amongst the senior most professors or officers of the University to exercise the powers and to perform the duties of the Vice-Chancellor.

(8) The vacancy in the office of the Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Vice-Chancellor in accordance with the provisions of sub-sections (1), (2) and (4) within a period of one year from the date of occurrence of such vacancy.

(9) The Vice-Chancellor may be removed from his office by the Chancellor with prior approval of the Governing Board if he is satisfied that the incumbent,-

- (a) has become insane or adjudged by a competent Court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent Court; or
- (c) has become physically unfit or incapable of discharging his duties due to protracted illness or physical disability; or
- (d) has willfully omitted or refused to carry out the provisions of this Act or service contract or has abused or misused the powers vested in him, or if, in the opinion of the Chancellor, the continuance in the office of the Vice-Chancellor is detrimental to the interest of the University; or
- (e) has shown incompetence to perform or has persistently made default in the performance of duties imposed on him by or under this Act; or
- (f) has been convicted by a competent Court of law for any offence within the meaning and concept of the Code of Criminal Procedure, 1973;

Provided that the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e) and (f).

Powers and functions of the Vice-Chancellor.

15. (1) The Vice-Chancellor shall be the principal executive and principal academic officer of the University and shall, in the absence of the Chancellor, preside over the meeting of the Governing Board.

(2) The Vice-Chancellor shall, by virtue of his office, be a member and the Chairperson of the Executive Council, Academic Council and the Faculty Councils for Post-graduate and Undergraduate Studies and shall be the Chairperson of any other authority or body of the University of which he may be a member.

(3) The Vice-Chancellor shall also be entitled to be present at and to address any meeting of any other authority or body of the University of which he may not be a member, but shall not be entitled to vote there at.

(4) The Vice-Chancellor shall have the power to convene meetings of the Governing Board, the Executive Council, the Academic Council, the Faculty Councils for Post-Graduate and Undergraduate Studies and of any other authority or body of the University.

(5) It shall be the duty of the Vice-Chancellor to ensure that the provisions of this Act, and the Statutes, Ordinances, Regulations and rules are faithfully observed and to take such action as may be necessary for due observance thereof.

(6) The Vice-Chancellor shall have the power to exercise general control and supervision over all other officers, teachers and employees of the University and generally over all the affairs of the University unless specifically provided for any other authority.

(7) The Vice-Chancellor shall exercise such other powers and discharge such other duties as maybe delegated to him by any authority or body of the University as may be provided by Statutes, Ordinances, Regulations or rules.

(8) The Vice-Chancellor may take on behalf of the University such action as he may deem expedient in any matter which, in his opinion, is either urgent or of an emergent nature and shall report the same for confirmation at the next meeting to the authority or body which, in the ordinary course, would have dealt with the matter;

Provided that if the action taken by the Vice-Chancellor is not approved by the authority or body concerned, the matter shall immediately be referred to the Chancellor whose decision thereon shall be final.

(9) The Vice-Chancellor may, with the approval and subsequent ratification of the Governing Board, delegate any of his powers to any other officer subordinate to him.

The Pro-Vice-Chancellor.

16. (1) The Pro-Vice-Chancellor shall be a distinguished academic with proven competence, integrity and institutional commitment.

(2) The Pro-Vice-Chancellor shall be appointed by the Chancellor with the approval of the Governing Board for a term of five years and shall be eligible for re-appointment.

(3) The Pro-Vice-Chancellor shall be the whole time officer of the University and shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Governing Board.

(4) The Pro-Vice-Chancellor may resign his office by writing under his hand addressed to the Chancellor.

(5) If,-

(a) the Pro-Vice-Chancellor is, by reason of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or

(b) a vacancy occurs in the office of the Pro-Vice-Chancellor by reason of death, resignation or expiry of the term of his office, removal or otherwise, then, during the period of such temporary inability or pending the appointment of a Pro-Vice-Chancellor, as the case may be, the Chancellor, in consultation with the Vice-Chancellor, may authorize a senior teacher of the University or an officer of the University to exercise the powers and perform the duties of the Pro-Vice-Chancellor.

(6) The vacancy in the office of the Pro-Vice-Chancellor occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Pro-Vice-Chancellor within one year in accordance with the provisions of this section.

(7) The Pro-Vice-Chancellor may be removed from his office by the Chancellor with the approval of the Governing Board if he is satisfied that the incumbent,-

- (a) has become insane or adjudged by a competent court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if, in the opinion of the Chancellor, his continuance in the office is detrimental to the interest of the University; or
- (e) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (f) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973;

Provided that the Pro-Vice-Chancellor shall be given a reasonable opportunity to show cause before taking recourse for his removal under clauses (d), (e), and (f).

(8) The powers and functions of the Pro-Vice-Chancellor shall be such as may be provided by Statutes.

The Registrar.

17. (1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Chancellor in consultation with the Vice-Chancellor.
(2) The Registrar shall be paid from out of the University fund such salary and allowances as the Chancellor may decide in consultation with the Vice-Chancellor.
(3) The Registrar may resign his office by writing under his hand addressed to the Chancellor.
(4) If the Registrar is for any reason temporarily unable to exercise the powers or perform the duties of his office, the Chancellor may appoint a teacher of the University or an officer of the University, temporarily for a period not

exceeding six months, to exercise the powers and perform the duties of the Registrar.

(5) The Registrar may be removed from his office by the Chancellor in consultation with the Vice-Chancellor if he is satisfied that the incumbent,-

- (a) has become insane or adjudged by a competent court to be of unsound mind; or
- (b) has become an un-discharged insolvent or stands so declared by a competent court; or
- (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability; or
- (d) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused or misused the powers vested in him or if, in the opinion of the Chancellor, the continuance in the office of the Registrar is detrimental to the interest of the University; or
- (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty; or
- (f) has shown incompetence to perform or has persistently made default in the performance of the duties imposed on him by or under this Act; or
- (g) has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973;

Provided that the Registrar shall be given a reasonable opportunity to show cause by the Chancellor before taking recourse for his removal under clauses (d), (e), (f) and (g).

**Powers and duties
of the Registrar.**

18. Subject to the supervision, direction and general control of the Vice-Chancellor, the Registrar shall act as the Secretary to the Governing Board and also to the Executive Council and shall exercise such powers and perform such duties as may be provided in the Statutes, or delegated to him under this Act, the Statutes, the Ordinances or the Regulations.

The Finance Officer.

19. (1) The Finance Officer shall be a whole-time officer of the University appointed by the Vice-Chancellor with the approval of the Chancellor.
(2) The Finance Officer shall be paid out of the University fund such salary and allowances as the Chancellor, in consultation with the Vice-Chancellor may decide.
(3) The Finance Officer may resign his office by writing under his hand addressed to the Vice-Chancellor.
(4) If the Finance Officer is for any reason temporarily unable to exercise the powers and perform the duties of his office, the Vice-Chancellor, with the approval of the Chancellor, may appoint a person temporarily for a period not exceeding six months to exercise the powers and perform the duties of the Finance Officer.

- Powers and duties of Finance Officer.**
20. (1) Subject to the supervision, direction and general control of the Vice-Chancellor, the Finance Officer shall be in charge and be responsible of the administration of the University funds, the finances and the properties and assets of the University and of all trusts and endowments; and he shall take special interest in activities that aim at raising funds for the purposes of the University and for augmenting the resources of the University. He shall also be responsible for complying with all statutory obligations to all Government authorities.
- (2) The Finance Officer shall exercise such other powers and perform such other duties as may be provided by the statutes or delegated to him by or under the provisions of this Act, the Statutes, the Ordinances or the Regulations, as the case maybe.
- Supervisory Powers of the Registrar and the Finance Officer.**
21. In their respective spheres of duties, the Registrar and the Finance Officer shall, subject to the provisions of this Act, have the power of supervision and control over all officers and employees serving in departments under their charge and shall exercise such disciplinary power as may be conferred on them by or under this Act or by the Statutes, Ordinances, Regulations or Rules, as the case may be.
- The Dean.**
22. (1) There shall be a Dean for each and every Faculty Council for Post-graduate and Undergraduate Studies in the University who shall be appointed by the Vice-Chancellor on recommendation of Selection Committee duly constituted by the Governing Board for this purpose.
- (2) The constitution, powers and functions of the Selection Committee for appointment of Dean shall be such as may be provided by the Statutes.
- (3) Every Dean appointed as per provisions of this Act shall hold the office for a period of three years or until he retires or vacates his office for any other reasons, whichever is earlier, and shall be eligible for re-appointment.
- (4) The Vice-Chancellor shall, in the event of any temporary vacancy of the office of Dean, select a senior Professor or an Associate Professor of the University in order of their date of joining in the University for a period, not more than six months.
- (5) Every Dean shall be the Vice-Chairperson of the respective Faculty Council for Post-graduate and Undergraduate Studies and shall have such powers and functions as may be provided for by the Statutes, or Ordinances.
- (6) The Dean of every Faculty Councils for Post-graduate and Undergraduate Studies may be removed from his office for such reasons and in such manner as may be provided for by the Statutes.
- The Dean(s) of Students' Welfare.**
23. (1) The Dean(s) of Students' Welfare shall be appointed from amongst the Teachers of the University, not below the rank of an Associate Professor, by the Vice-Chancellor on the recommendation of the Executive Council.
- (2) The Dean(s) of Students' Welfare appointed under sub-section (1) shall hold office for a term of three years and shall be eligible for re-appointment;
- Provided that the Vice-Chancellor may, if it is considered necessary, appoint on the recommendation of the Executive Council a teacher, not below the rank of

an Associate Professor to discharge duties of the Dean of Students' Welfare in addition to his normal duties.

(3) When the office of the Dean of Students' Welfare is vacant by reason of illness or absence or for any other cause unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The duties and powers of the Dean(s) of Students' Welfare shall be such as may be provided by the Statutes.

Controller of Examinations.

24. (1) The Controller of Examinations shall be the whole-time officer of the University and shall be appointed by the Vice-Chancellor in consultation with the Executive Council.
(2) The powers, duties and responsibilities of the Controller of Examinations shall be provided by the Statutes.

Other Officers.

25. (1) There shall be such other officers in the University who shall be appointed by the Vice-Chancellor in such manner as may be provided for by the Statutes or Ordinances or Regulations or Rules.
(2) The terms and conditions of service including the salaries and allowances of such other Officers of the University and required qualification for appointment to such post shall be such as may be decided and approved by the Governing Board.
(3) The powers and functions including the required qualification and procedure for appointment of such other officers shall be provided by the Statutes.

The Authorities.

26. Following shall be the authorities of the University,-
(1) the Governing Board,
(2) the Executive Council,
(3) the Academic Council,
(4) the Faculty Councils for Post-graduate and Undergraduate Studies,
(5) the Boards of Studies,
(6) the Finance Committee, and
(7) Such other authorities as may be provided and established, by the Statutes, the Ordinances, the Regulations and the rules made by or under this Act, from time to time.

The Governing Board. 27. (1) The Governing Board shall consist of the following persons, namely,-

(a) *Ex-Officio Members-*
(i) the Chancellor - Chairperson,
(ii) the Vice-Chancellor,
(iii) the Pro-Vice-Chancellor,
(iv) the Secretary to Government of Meghalaya, Education Department, or his nominee not below the rank of a Joint Secretary to the Government of Meghalaya,

- (v) the Registrar - Secretary,
- (vi) the Finance Officer,
- (vii) the Principal, Loyola College Williamnagar,
- (viii) the Principal, St. Xavier's College Umoid.
- (b) Members from Sponsoring Society-
- (ix) any number of Members as may be decided by the Sponsoring Society in consultation with the Chancellor.
- (c) Representatives of Teachers-
- (x) one Professors according to seniority to be nominated by the Vice-Chancellor,
- (d) Representative of Non-teaching Staff-
- (xi) one representative from amongst the senior non-teaching staff to be nominated by the Vice-Chancellor.
- (e) Nominated Members-
- (xii) one representative nominated by the University Grants Commission, not below the rank of a Joint Secretary to the Government of India or a Professor of a Central or State University,
- (xiii) two eminent educationists to be nominated by the Chancellor,
- (xiv) one person, who shall be an eminent academician not below the rank of a Professor of a University, to be nominated by the Visitor, in consultation with the State Government.
- (f) Co-opted Members-
- (xv) four persons representing learned professions and possessing special interests in education including representatives of industry and commerce, to be co-opted by the Governing Board.

(2) All members of the Governing Board other than *ex-officio* member shall hold the office for a period of four years.

(3) An *ex-officio* member shall cease to be member of the Governing Board as soon as he vacates the office by virtue of which he is a member.

Powers and functions of the Governing Board.

28. (1) Subject to the provisions of this Act, the Governing Board shall exercise the following powers and perform the following duties, namely, -
- (i) to establish University departments, institutions, libraries, laboratories and museums for study and research; and also such other facilities as may be required to further co-curricular and extra-curricular activities;
 - (ii) to create and institute Professorships including Chair Professorship, Associate Professorship, Assistant Professorship and such posts including posts of officers as may be necessary for the establishment and management of the University, departments, institutions, libraries, laboratories and museums and any other facility referred to in clause (i);

- (iii) to institute degrees, titles, diplomas, certificates and other academic distinctions, including the titles of *honoris causa*;
- (iv) to institute fellowships, travelling fellowships, scholarships, studentships, stipends, bursaries, exhibitions, medals and prizes to be awarded out of the University Fund;
- (v) to confer degrees, titles, diplomas, certificates and other academic distinctions on the persons who,-
 - (a) have pursued the approved courses of studies or have been exempted there from in the manner provided in the Regulations, or
 - (b) have carried out research in accordance with such conditions as may be provided in the regulations;
- (vi) to withdraw or to cancel degrees, titles, diplomas, certificates or other academic distinctions under such conditions as may be provided by the regulations and after giving the person affected a reasonable opportunity of being heard;
- (vii) to confer honorary degrees or other academic distinctions;
- (viii) to consider the annual statement of accounts and the annual financial estimates approved by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
Provided that for the purpose of passing a resolution modifying or rejecting any such annual financial estimates it shall be necessary for a simple majority of the total number of members of the Governing Board present and voting in favour of the resolution;
- (ix) to consider the annual report as prepared by the Executive Council and to pass such resolutions relating thereto as may be considered necessary;
- (x) to consider, and advise on such other reports from the Executive Council or any other body as may be made to it;
- (xi) to consider proposals from the Executive Council for the University to enter into agreement with the Central Government or State Government or with any person, body or authority for the taking over by the University of the management of any institution, including its assets and liabilities, or for any other purpose not repugnant to the provisions of this Act;
- (xii) to consider, and advise on, proposals from the Executive Council for co-operation with other Universities, institutions and educational authorities in matters that relate to or further the objectives of the University;
- (xiii) to consider and suggest measures for the improvement of the administration and finances of the University, and generally for the furtherance of its objectives;
- (xiv) to acquire, hold and dispose of property, movable and immovable for and on behalf of the University and to administer all assets and properties of the University, and to undertake all measures necessary or desirable for the conservation or augmentation of the resources of the University;

- (xv) to appoint officers and employees of the University and to fix their emoluments and define their duties and other terms and conditions of service in accordance with the Statutes and the Ordinances and to suspend, discharge or otherwise punish in accordance with the Statutes and the Ordinances such Officers and employees;
- (xvi) to accept grants and to raise or accept loans on behalf of the University and to make grants or advances from the University fund or other special funds maintained by the University;
- (xvii) to make regulations for the transaction of its own business;
- (xviii) to exercise all other powers and perform all other functions conferred to and imposed on the Governing Board by or under this Act.

(2) The Governing Board shall have the power to review the action of the Executive Council, save where the Executive Council has acted in accordance with the powers conferred exclusively on it by or under this Act;

Provided that if any question arises as to whether the Executive Council has acted in accordance with powers conferred on it by or under this Act, the matter shall be referred to the Chancellor whose decision shall be final.

**Meeting of the
Governing Board.**

29. (1) The Governing Board shall meet not less than three times in a financial year, other than for convocation, on dates to be fixed by the Chancellor. At least one of such meetings shall be held before the last day of March and the last meeting of the financial year so held shall be called the annual general meeting. The Governing Board may also meet at such other times as it may, from time to time, be required.

(2) One-third of the total number of members of the Governing Board present, shall be a quorum for a meeting of the Governing Board;

Provided that such quorum shall not be required at convocation.

(3) The Chancellor may, whenever he thinks fit, and shall also, upon a requisition in writing signed by not less than fifty *percent* of the members of the Governing Board, convene a meeting of the Governing Board. A meeting on such requisition shall be held within fifteen days of the receipt of the requisition by the Chancellor, excluding the date of receipt.

**The Executive
Council.**

30. (1) The Executive Council shall consist of the following members:-

- (a) *Ex-Officio Members-*
 - (i) the Vice-Chancellor - Chairperson,
 - (ii) the Pro-Vice-Chancellor,
 - (iii) the Registrar - Secretary,
 - (iv) the two Deans of the Faculty Councils for Post-graduate and Undergraduate Studies,
 - (v) the Dean(s) of Students' Welfare,
 - (vi) the Controller of Examinations,
 - (vii) the Finance Officer,
 - (viii) the Secretary, Academic Council.

- (b) Other Members-
- (ix) one heads of departments, by rotation for one year in alphabetical order of the department, to be selected by the Vice-Chancellor;
- (x) two teachers from the Faculty Council for the Postgraduate and Undergraduate studies of whom one shall be Professors and one shall be an Associate Professor, to be nominated by the Vice-Chancellor in consultation with the Pro-Vice-Chancellor.
- (2) A member of the Executive Council shall hold office for a period of four years, if not expressly provided otherwise in this Act.
- (3) Any vacancy among the members of the Executive Council shall be filled up immediately by the concerned authority.
- (4) No act or proceedings of the Executive Council or of anybody constituted by the Executive Council shall be invalid or called into question by reason of the existence of any vacancy, initial or subsequent, in the Executive Council or in any body constituted by the Executive Council, as the case may be.
- (5) One-third of the total number of members present shall be a quorum for a meeting of the Executive Council.
31. (1) Subject to the provisions of this Act, the Executive Council shall exercise the following powers and perform the following duties, namely: -
- (i) to initiate proposals for the making of Statutes, Ordinances or Regulations including proposals for amendment or repeal thereof, in the manner hereinafter provided;
- (ii) to recommend to the Governing Board the proposals for study and research after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, University departments, institutions, libraries, laboratories and museums;
- (iii) to maintain University departments, University institutions, University libraries, University laboratories, University museums and any other University establishment;
- (iv) to establish, maintain and manage halls, hostels and canteens;
- (v) to direct the inspection of University libraries, University laboratories, University museums and hostels and canteens;
- (vi) to institute on advice of the Governing Board and after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, fellowships, travelling fellowships, scholarships, stipends, bursaries, exhibitions, medals and prizes, the expenses of which shall be met from the University Fund;
- (vii) to recommend to the Governing Board after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, Professorships including Distinguished Professorships, Associate Professorships, Assistant Professorships and such posts as may be necessary for the establishment and maintenance of the University departments, institutions, libraries, laboratories and museums;
- (viii) to recommend to the Governing Board to create posts of officers, teachers and employees of the University;

Powers and Functions of the Executive Council.

- (ix) to provide and collect fees or charges for the registration of students and their admission to courses of studies organized by the University, for holding examinations, for the grant of degrees, diplomas and certificates, and for other like purposes;
- (x) to recommend to the Governing Board after consulting the respective Faculty Councils for Post-graduate and Undergraduate Studies, the institution of degrees, titles, diplomas, certificates and other academic distinctions;
- (xi) to recommend to the Governing Board, on the advice of the appropriate body, the conferment of degrees, titles, diplomas, certificates and other academic distinctions on persons who have pursued the approved courses of studies or have been exempted there from in the such manner as may be provided in the regulations, and have passed such examinations or have carried on research under such conditions, as may be provided;
- (xii) to recommend to the Governing Board the conferment of honorary degrees, titles and other academic distinctions;
- (xiii) to approve the constitution or reconstitution of a department of teaching on the recommendation of the respective Faculty Council for Post-graduate and Undergraduate Studies concerned;
- (xiv) to make regulations regarding the courses of studies and the division of subjects including interdisciplinary or multidisciplinary approach for integrated courses in selected subjects which are approved by the Academic Council;
- (xv) to make regulations regarding the recognition of examinations held by other Universities or Institutions which shall be recognized as equivalent to the examinations held by the University;
- (xvi) to make regulations regarding the conduct of examinations held by the University and the conditions under which students may be admitted to the different courses of studies, and be allowed to appear for the examinations held by the University;
- (xvii) to give directions regarding the form, custody and use of the common seal of the University;
- (xviii) to administer the fund of the University and to accept and administer gifts, endowments and benefactions for the furtherance of the purposes of this Act;
- (xix) to manage the press establishment, the publication bureau and the employment bureau of the University and to exercise general supervision over University Extension Board, University Sports Board and other bodies instituted by the University;
- (xx) to prepare and approve the annual statements of accounts and the annual financial estimates of the University and to submit the same to the Governing Board for consideration;
- (xxi) to make due provision for the health, welfare, residence and discipline of students and their relationship with the University and to provide for such other training of students as may be considered desirable;
- (xxii) to co-operate with other Universities, Institutions, Associations, Societies or Bodies on such terms and for such purposes, not inconsistent with the purposes of this Act, and object and purpose of the University;

- (xxiii) to institute collaborative teaching and research programmes with other Universities and provide modalities for credit transfer and award of joint degrees in a manner not inconsistent with the purposes of this Act;
- (xxiv) to make regulations for the transaction of its own business;
- (xxv) to exercise all other powers and perform all other functions conferred upon and imposed on the Executive Council by or under this Act.

(2) The decisions of the Executive Council are to be ratified in the subsequent meetings of the Governing Board.

The Academic Council.

32. (1) The Academic Council shall consist of the following members, namely; -
- (a) the Vice-Chancellor - Chairperson,
 - (b) the Pro-Vice-Chancellor,
 - (c) one Dean nominated,
 - (d) Finance Officer, as may be invited by the Vice Chancellor,
 - (e) Such other members as may be prescribed in the Statutes, as may be invited by the Vice-Chancellor,
 - (f) the Deans of Faculties for Post-graduate and Undergraduate Studies,
 - (g) the Dean(s) of Students' Welfare,
 - (h) the Heads of Departments,
 - (i) the Librarian,
 - (j) Professor, other than the Heads of departments, according to the seniority, to be nominated by the Vice-Chancellor,
 - (k) Associate Professor, other than the Heads of departments,
 - (l) Teachers from Faculty Council.
- (2) Vice-Chancellor shall appoint one member of the Faculty Council not below the rank of an Associate Professor, as Member Secretary of the Academic Council.
- (3) One-third of the total members of the Academic Council present, shall form the quorum.
- (4) All members of the Academic Council if not otherwise provided for by or under this Act, shall hold office for a period of three years.

Powers and functions of Academic Council

33. Subject to this Act, the Statutes and the Ordinances, the Academic Council shall have the following powers, namely;-
- (i) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, cooperative teaching among departments and institutions, evaluation of research and improvement in academic standards;
 - (ii) to bring about inter-faculty co-ordination, and to establish or appoint Committees or Boards, for taking up projects on an inter-faculty basis;
 - (iii) to consider matters of general academic interest either on its own initiative or referred to by Faculty Council, or the Executive Council, and to take appropriate action thereon;

- (iv) to frame such regulations consistent with the Statutes and Ordinances regarding the academic functioning of the University, discipline, residence, admissions, examinations, award of fellowships and studentships, fee concessions, and attendance;
- (v) to consider and approve the curricula and syllabi which are recommended by the Boards of Studies and forwarded by the respective Faculty Councils;
- (vi) to hold and conduct, subject to general supervision by the Executive Council, University examinations and publish the results thereof in accordance with the Regulations made in this regard;
- (vii) to appoint, if required by the Executive Council, after considering the views of the Boards of Studies and Ph.D. Committees attached to the Faculty Council, Boards of Examiners in the subject or subjects relating to Post-graduate and Undergraduate Studies, including the subjects for doctoral thesis and for prizes and medals;
- (viii) to consider and approve results of examinations leading to undergraduate and Post-graduate degrees, diplomas and certificates;
- (ix) to recommend to the Executive Council the conferment of undergraduate and Post-graduate degrees, diplomas and certificates;
- (x) to exercise general supervision over the Faculty Councils for Post-graduate and Undergraduate Studies and give such Directions to these Councils for the due discharge of their respective duties as it may consider necessary;
- (xi) to exercise all other powers and perform all other functions conferred upon the academic council by or under this Act.

The Faculty Council. 34. (1) There shall be as many Faculty Councils for Post-graduate and Undergraduate Studies in the University as the Governing Body may decide from time to time.

(2) Each Faculty Council for Post-graduate and Undergraduate Studies shall have a Secretary who shall be a member of the Faculty Council and to be nominated by the Pro-Vice-Chancellor.

(3) One-third of the total number of members of a Faculty Council for Post-graduate and Undergraduate Studies present shall be a quorum for a meeting of the Faculty Council.

The Board of Studies. 35. (1) There shall be Board of Studies attached to every Faculty Council for Post-graduate and Undergraduate Studies.

(2) The constitution, powers and functions of the Boards of Studies shall be provided by the Statutes.

The Finance Committee. 36. (1) There shall be a Finance Committee with the Vice-Chancellor as the Chairperson.

(2) Other members of the Finance Committee shall be as follows:-

- (i) the Pro-Vice-Chancellor,
- (ii) the Registrar,
- (iii) the Finance Officer, *Ex-officio* Secretary,
- (iv) such other member as may be prescribed in the Statutes,

- (v) the senior most accountant of the University, where the seniority of the accountant would be determined based on the date of joining in the University,
- (vi) one senior teacher to be nominated by the Vice-Chancellor,
- (vii) one external expert, associated with the field of finance, preferably a chartered accountant to be nominated by the Vice-Chancellor.

(3) The tenure of the nominated members of the Finance Committee will be for a period of three years.

(4) The powers and functions including the power of delegation of the Finance Committee shall be provided by the Statutes and its procedure in financial matters shall be provided by the Ordinances.

The Selection Committee for teachers of the University.

37. (1) There shall be a Selection Committee for the purpose of recommendation for appointment of a University Professor, a University Associate Professor or a University Assistant Professor.

(2) The constitution of Selection Committee, its powers and functions including the procedure for holding of meeting shall be such as may be provided in the Statutes.

(3) A University Professor or a University Associate Professor or a University Assistant Professor shall be appointed by the Vice-Chancellor, on the recommendation of the Selection Committee, which shall send its recommendations in writing to the Vice-Chancellor along with reasoned record of assessment of the persons appeared before it for selection.

(4) Notwithstanding anything contained in sub-section (1) and until constitution of a Selection Committee referred to therein, a University Teacher or an officer shall be appointed by the Vice-Chancellor on recommendation of the Governing Board.

(5) The Selection Committee constituted under sub-section (1) shall include as its members at least one person not holding any office of profit under the University and having special knowledge of the subject which the Professor or the Associate Professor or the Assistant Professor, as the case may be, will teach, and said person will be nominated by the Chancellor.

Tribunal.

38. (1) If in the case of any dispute between the University and any teacher, officer or employee of the University, no final order has been passed within a period of one year from the date on which the dispute was referred to the Governing Board by such teacher, officer or employee, such dispute shall on the request of such teacher, officer or employee, be referred to a Tribunal consisting of the following members, namely:-

- (i) The Chairperson, to be nominated by the Chancellor,
- (ii) One person to be nominated by the Governing Board,
- (iii) One person to be nominated by the teacher, officer or employee concerned.

(2) An appeal from a teacher or an officer or an employee of the University in a disciplinary matter shall also be referred to the Tribunal and shall be decided and disposed of by the Tribunal.

(3) The Tribunal may call for any record, report or other information from the University if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the University shall furnish such record, report or other information to the Tribunal.

(4) The decision of the Tribunal shall be final and no suit or proceeding shall lie in any civil court in respect of the matters decided by the Tribunal.

(5) The powers and functions including the procedure of holding proceedings of the Tribunal shall be such as may be provided in the Statutes.

(6) Every request under sub-section (1) shall be deemed to be a submission to arbitration upon the terms of this section, within the meaning of the Arbitration and Conciliation Act, 1996, and all the provisions of that Act shall apply accordingly.

- Disqualification.** 39. (1) No person shall be qualified for selection or nomination as a member of any authority or body of the University or shall continue as such member if he:-
- (i) is of unsound mind, or
 - (ii) is an undischarged insolvent, or
 - (iii) has been convicted by a court of law for an offence involving moral turpitude.
- (2) In case of any doubt or dispute concerning the disqualification of a person under the provisions of sub-section (1), the Chancellor's decision shall be final.
- Term of office of Members.** 40. (1) Save as otherwise provided in sub-section (3), a nominated member of any authority or body of the University shall hold office for a period as specified for that office from the date of his nomination, as the case may be;
- Provided that in respect of the first nominations under this Act, the period shall commence from the date of the first meeting of the authority or body held after such nomination.
- (2) The term of office of members other than *ex-officio* members of any authority or body of the University shall be held to include any period which may elapse between the expiry of the said term and the date of nomination or selection of new members to such authority or body to fill vacancies arising by efflux of time.
- (3) Any member nominated to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the member in whose seat he is so nominated. The unexpired term will not be counted as a fresh term of office for the member so nominated.
- Cessation of membership in certain cases.** 41. (1) When a person is qualified to be a member of any authority or body of the University by virtue of his membership of any other authority or body, he shall cease to be a member of the authority or body of the University when he ceases to be a member of the other authority or body.
- (2) When a person is nominated as a member of any authority or body of the University from any body or authority, he shall cease to be such a member when he ceases to belong to that body or authority.

- Filling up of casual vacancies.** 42. Any casual vacancy among the nominated members of any authority or body of the University shall be filled, with in such time as may be provided by the Statutes, by nomination by the person or authority that nominated the member whose seat has become vacant.
- Proceedings not to be invalidated by reasons of vacancies.** 43. No act or proceedings of the University or of any authority or body of the University shall be deemed to be invalid merely by reason of the existence of a vacancy or vacancies among its members.
- Explanation.—** It is hereby declared that where the office of any member of any authority or body of the University cannot be filled up, when such authority or body is constituted for the first time, on account of any appointment not being for any reason feasible, there shall be deemed to be a vacancy in the office of such member until such appointment is made.
- Casting of vote by the Chairperson.** 44. At a meeting of the Governing Board, the Executive Council, the Academic Council, the Faculty Councils for Post-graduate and Undergraduate Studies, or any other authority or body of the University, the person presiding over the meeting shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.
- The University Fund.** 45. (1) The University shall have a fund to be known as the University Fund to which shall be credited all its income from fees, contributions, donations, grants, and endowments.
(2) The University may also create, by Ordinances, separate special funds for the administration of Students' Welfare, Endowments, Donations and Gifts, trust or specific grants or grants for other special purposes.
(3) The funds credited to the University Fund shall be applied to meet all the administrative, institutional, infrastructural and recurring expenditure of the University and all other expenditures as shall be prescribed by a Regulation;
Provided that all expenditure under the University Fund shall be placed before the General Board for its approval.
- The Corpus Fund.** 46. Corpus Fund of the University shall refer to a fund which shall be credited with the grants, donations, subscriptions received by the University other than from the State Government or from the Central Government, or from any other authority and the same shall be used for various purposes of the University with the approval of the Governing Board.
- Endowment Fund.** 47. (1) The University shall establish an Endowment Fund in the name of the University through a fixed deposit of a minimum of rupees ten crore in a Nationalized Bank, interest on which less the amount pledged with the Director of Higher and Technical Education as per sub-section (3) below may be used by the University for its development:
Provided that the Sponsoring Society and the University shall make available the whole Endowment Fund to the Administrator during the process of winding up of the University failing which the same shall be realized from the properties of the University.
(2) The Endowment Fund shall be maintained until the dissolution of the University.

(3) From the above Endowment Fund, an amount not less than 2 (two) crores as may be directed by the State Government, shall be pledged in the name of the Director of Higher and Technical Education, Meghalaya as provided under Section 7 of the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019 (Act No. 13 of 2019).

(4) The State Government shall have the power to forfeit a part or the whole of the Endowment Fund in case the University contravenes any of the provisions of this Act after serving a show cause notice on the University or its Sponsors and after giving them an opportunity to be heard.

Budget of the University.

48. The budget of the University showing the receipt and payments of different accounts and expenditure on account of salaries and allowances of all the employees including their retirement benefits of the employees of the University shall be submitted to the Governing Board at least three months before the end of the financial year.

Admission of Students.

49. (1) Admission of Students in the University shall be made on the basis of merit.

(2) Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination or on the basis of marks or grade obtained in a relevant entrance examination conducted by the University or by common entrance test conducted at the State or National level;

Provided that any achievements in co-curricular activities or extra-curricular activities may be given weightage at the discretion of the University;

Provided further that the admission criteria for specific courses, as prescribed by the concerned Regulatory Bodies, shall be adhered to.

(3) The seats in engineering, technology and management courses in the University or the colleges and other institutions integrated in the University shall be guided by the existing frame work of the All India Entrance Examination or the Meghalaya Joint Entrance Examinations Board through its State level common entrance test and counseling process until the University opts to work out its own entrance examination framework for admission into the courses.

(4) The tuition fees for engineering, management and other professional courses shall be as provided by a regulation of the University.

(5) The University, in relaxation to sub-section (1), (2), (3) and (4) of this Section, shall keep not less than five percent of total intake reserved for filling up with Socio economically weaker persons, in the manner as may be provided in the Statute.

Inspection.

50. (1) The State Government shall have the power to cause inspection of the University in such manner as may be prescribed.

(2) Every inspection shall be made after due notice to the University.

(3) Proceedings of every inspection along with suggestion or advice of State Government shall be sent to the Governing Board for its necessary action.

- Winding up of the University.**
51. (1) The Sponsoring Society may recommend to the State Government to dissolve the University by giving notice to the employees and students of the University at least one year in advance in such manner as may be prescribed; Provided that the Sponsoring Society shall not be permitted to serve notice for winding up within the period of ten years from the date of its commencement.
- (2) The dissolution of the University shall take effect only after the last batch of the students of the regular courses have completed their courses and have been awarded degrees, diplomas or awards, as the case maybe.
- (3) On service of notice under sub-section (1), the State Government shall appoint an Administrator by replacing the Governing Board for the purpose of running the University till it is completely dissolved.
- (4) The properties of the University including its funds on date of such notice referred under sub-section (1) shall be used for meeting the liabilities of the University by the Administrator until the University is dissolved.
- (5) The balance properties of the University including its funds after meeting all its liabilities shall be re-vested to the Sponsoring Society after the University is fully dissolved.
- Provident Fund.**
52. (1) The University shall institute a Provident Fund for the benefit of its employees and such provident fund shall be governed by the provisions of the Provident Fund Act, 1925.
- (2) The rules regulating the Provident Fund shall be such as may be provided in the Ordinances.
- Annual Accounts and Audit.**
53. (1) The University shall prepare and maintain proper accounts and other relevant records, and prepare an annual statement of accounts including the income and expenditure account and balance sheet, in such form and in such manner as may be provided by the regulations.
- (2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its finance, accounting and auditing functions as may be provided by the regulations.
- (3) The Accounts of the University shall be audited not less than once in a year by a qualified auditor appointed by the Governing Board, who shall be a Chartered Accountant as defined in the Chartered Accountants Act, 1949.
- (4) The Accounts of the University certified by the person or firm so appointed under sub-section (3) or any other person authorized in this behalf together with the audit report thereon shall be placed before the Governing Board and the Governing Board may issue such instructions to the University in respect thereof as it deems necessary and the University shall comply with such instructions.
- Statutes.**
54. Subject to the provisions of this Act, Statutes may be made by the Governing Board to provide for all or any of the following matters;-
- (a) the declaration of posts of various officers of the University;
- (b) the establishment of various authorities of the University;

- (c) the powers, duties, and terms and conditions of service of the teachers, officers and employees of the University in so far as these have not been specifically provided in the Act;
- (d) the constitution, powers, functions and duties of the authorities of the University in so far as these have not been specifically provided for in this Act;
- (e) the procedure of holding of convocations to confer degrees, titles, diplomas, certificates and other academic distinctions, including honorary degrees and distinctions;
- (f) the conditions for the registration of all the degree and diploma recipients of the University and for the maintenance of a register for this purpose;
- (g) the minimum qualifications for appointment of teachers and officers of the University;
- (h) all other matters which under this Act are required to be or may be provided by Statutes.
- Procedures to make Statutes.**
55. (1) The Executive Council may of its own motion, and shall, when required by the Governing Board, make a draft of any Statute and submit the same to the Governing Board.
- (2) The draft so submitted shall be considered by the Governing Board at a meeting or meetings to be held within a period of six weeks from the date of such submission, and the draft unless rejected or amended by the Governing Board before the expiry of the said period by a majority of the total number of its members existing, be deemed to have been passed by the Governing Board.
- (3) If the Governing Board rejects or amends the draft of any Statute, it shall be sent back to the Executive Council with the views of the Governing Board for reconsideration.
- (4) There upon, the Executive Council shall reconsider the draft and resubmit it to the Governing Board with such changes as it may deem necessary.
- (5) On such resubmission of the draft, it shall again be considered by the Governing Board at a meeting to be held within a period of six weeks from the date of such submission and the draft so resubmitted shall, before the expiry of the latter period by a majority of the total number of its members existing, be deemed to have been passed by the Governing Board without any amendment, or be passed by the Governing Board with such amendments as it may deem fit to make therein within the latter period and by the same majority as aforesaid.
- (6) A Statute passed in the manner provided in sub-section (2), shall be presented to the Visitor for assent and shall come into force on being assented to by the Visitor.
- (7) A Statute shall remain in force until repealed or amended by a new Statute similarly passed and assented to by the Visitor.
- Ordinances and Regulations.**
56. Subject to the provisions of this Act, the Governing Board, with the approval of the Chancellor may make Ordinances and Regulations.

- Rules.**
57. (1) The State Government may, as the occasion so arises, make rules for carrying out the purposes of this Act.
- (2) Every rule made under this Act shall as soon as they are made be laid down in the Assembly while it is in session.
- Delegation.**
58. (1) The Vice-Chancellor, with the approval of the Chancellor may, subject to the provisions of this Act, delegate such of his powers or duties conferred or imposed by or under this Act or the Statutes, or the Ordinances, or the Regulations, to an officer or a teacher of the University under his direct administrative control.
- (2) Subject to the provisions of this Act;-
- (a) the Governing Board may delegate any of its powers or duties, conferred or imposed by or under this Act, to-
- (i) the Vice-Chancellor, or
- (ii) the Executive Council, or
- (iii) a committee constituted from among its own members, or
- (iv) a committee appointed in accordance with the Statutes;
- (b) the Executive Council may delegate any of its powers conferred or imposed by or under this Act, to-
- (i) the Vice-Chancellor, or
- (ii) a committee constituted from among its own members, or
- (iii) a committee constituted in accordance with the Statutes or the Ordinances, or
- (iv) any of the Faculty Councils for Post-graduate Studies or Councils for Undergraduate Studies, or
- (v) the Finance Committee;
- (c) the Faculty Council for Post-graduate and Undergraduate Studies may delegate any of its powers or duties, conferred or imposed by or under this Act, to-
- (i) Pro-Vice-Chancellor, or
- (ii) a committee constituted from among its own members, or
- (iii) a committee constituted in accordance with the Regulations, or
- (iv) any of the Boards of Studies;
- (d) the Finance Committee may delegate any of its powers or duties, conferred or imposed by or under this Act, to-
- (i) the Vice-Chancellor, or
- (ii) a committee constituted from among its own members.
- Removal of difficulties.**
59. If on account of any lacuna or omission in the provisions of this Act, or for any other reason whatsoever, any difficulty arises as to the constitution of any authority of the University under this Act, or otherwise in giving effect to the provisions of this Act, the State Government, as occasion as may require, do

anything which appears to it to be necessary for the purpose of removing the difficulty notwithstanding anything to the contrary contained elsewhere in this Act or in any other law for the time being in force.

Powers to give directions.

60. The State Government shall have power to give directions to the University from time to time considering the interest of the student as well as in the public interest.

Explanation. - The decision of the State Government shall be final whether a particular issue is related to public interest or the interest of the students.

Submission of Annual Report.

61. A copy of the Annual Report of the University duly approved by the Governing Board shall be sent to the Visitor and the State Government on or before December 31st following the close of the Financial Year in March 31st each year.

University to be subject to standards of UGC, etc.

62. Notwithstanding anything contained in this Act, the establishment, maintenance of standards and any other matter concerning the University including Constituent Colleges, Branches or Units or Centres or Campuses anywhere in Meghalaya shall be subjected to the Meghalaya Private Universities (Regulation of Establishment and Maintenance of Standards) Act, 2019 as amended from time to time, and also to the UGC (Establishment of and Maintenance of Standards in Private Universities) Regulations, 2003 as amended from time to time and regulations and directions as may be issued by UGC and other Statutory Bodies and by the State Government from time to time.

STATEMENT OF OBJECT AND REASONS

With a view to providing instruction, teaching, training, encouraging and providing for instruction and research in various branches of learning and courses of study, promoting advancement and wider dissemination of knowledge and learning, and extending higher education, to meet the growing needs of the society; to create higher levels of intellectual abilities to achieve higher order cognitive skills and professional development; and to provide opportunities to study a subject so as to contribute to knowledge production and push the boundaries of knowledge, and to deeply disseminate and facilitate knowledge and skills through workshops, seminars, conferences, short-term and long-term intensive programs, community development programs, publications, and training programs, it has become essential to establish University of Excellence in the State of Meghalaya through the **St. Xavier's University Shillong** to impart quality Education in the above emerging fields.

Hence this Bill.

LAHKMEN RYMBUI,
Minister, I/c Education etc.,
Government of Meghalaya.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

There will be no expenditure from the Consolidated Fund of the State of Meghalaya for implementing the provisions of the proposed enactment.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 6 of the Bill defined the powers of the University.

Clause 10 of the Bill empowers the University to delegate and withdraw the powers so delegated to any of its Authorities or officers.

Clause 54 and 55 of the Bill empowers the Governing Board to make new or additional Statutes or amend or repeal the earlier Statutes for providing various posts of officers of the University, admission of students, courses of studies, award of degrees, creation of new authorities of the University and such other related matters which are matters of details and all the Statutes made by the Governing Board shall come into force only after the Statutes is assented to by the Visitor, that is, the Governor of Meghalaya.

Clause 56 empowers the Governing Board to make Ordinances and Regulations with approval of the Chancellor.

Clause 57 empowers the State Government to make rules for carrying out the purpose of the Bill and every rules made shall be laid before the Assembly while in Session.

Clause 59 of the Bill also empowers the State Government to remove difficulties that may arise while implementing the Bill.

The above delegations are matter of detail and as such the delegations are of normal character.